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# The Traffic Library Construction and Interpretation of Tariffs

Prepared under the direction of the *Advisory Traffic Council of  
The American Commerce Association*

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## PREFACE

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Prior to the establishment of the Interstate Commerce Law the railroads of the United States pursued individual methods in the construction and publication of freight tariffs, resulting in a lack of uniformity in presenting this information. The application and interpretation of rate schedules were left entirely to the railway official and his knowledge was relied upon for the charge governing freight movements from place to place.

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Tariffs were published largely for the convenience of the carrier, and, owing to competitive conditions and lack of rate stability, were more in the nature of a general guide than a definite compilation of the actual rates of charge. Unrestricted competition constantly affected rate charges, and the various rebating practices which characterized the early days of railway and commercial development made impossible the application and interpretation of rate schedules, as practiced today.

A fundamental purpose of the Act to Regulate Commerce, passed in 1887, was to produce a greater stability in rates and to prevent undue rate and other discriminations in the performance of the transportation service by interstate carriers.

To meet these requirements and to procure a general compliance therewith, a uniform and systematic method

of tariff construction and publication became necessary. This has been accomplished by amendments to the original act and through the promulgation by the Interstate Commerce Commission, from time to time, of rules and regulations relating to successive steps in the development of the present uniform system.

In this manner an important and far-reaching reform has been accomplished and an influence constantly exerted for greater uniformity, and the consequent elimination of those practices detrimental alike to the railroad and the shipper. Out of chaos has gradually developed an order and system which are permitting those having an expert knowledge of rate schedules to apply this knowledge to the various movements of freight throughout the country.

The purpose of this volume is to train men to interpret the tariffs published by the common carriers, thus enabling them to determine whether they are constructed in accordance with the rules and regulations of the Interstate Commerce Commission. The developments which, since the passage of the original act in 1887, have resulted in the present methods of tariff regulation, construction, publication and filing are therefore reviewed as this knowledge is essential, not only because of its influence upon an intelligent interpretation of present day freight tariffs, but because, on account of its fundamental significance, it is properly a part of the technical knowledge of all traffic experts.

It constitutes the why and wherefore of tariff evolution and is a valuable guide in the general consideration of tariff matters and the interpretation of individual classifications and rate schedules.

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## CHAPTER I.

### PUBLICATION OF TARIFFS AS REQUIRED BY LAW.

- § 1. Publication Requirements of the Act to Regulate Commerce and Elkins Act.
- § 2. Effect of 1910 Amendments to Section 6 of the Act to Regulate Commerce.
- § 3. The Federal Courts on the Publication of Rates.



## CHAPTER I.

### PUBLICATION OF TARIFFS AS REQUIRED BY LAW.

#### § 1. Publication Requirements of the Act to Regulate Commerce and Elkins Act.

The Act to Regulate Commerce is lengthy in verbiage, consisting of some twenty odd sections, but its objective features may be most succinctly stated. It seeks, fundamentally, the stability of rates of charge for the transportation service when performed in the interstate carriage of traffic, coupled with the affirmative intent of requiring such rates to be reasonable and preventing undue discrimination in the rendition of the transportation service by the carrier and in the charges for the service. In this chapter we are concerned with that particular feature of the law which is directed to the purpose of establishing stability in rates and the checking up of the carriers subject to the act, in their compliance with the law in regard to the publication of rates.

The maintaining of a maximum degree of stability in rates is accomplished through the required publication of such rates in tariff form. Not alone is statutory provision made in the amended sixth section of the act, requiring such publication as a condition precedent to the use of rates, but administrative authority is lodged in the Interstate Commerce Commission to enforce such publication of rates, under rules and regulations promulgated by itself,

governing the construction, publication, posting and filing of tariffs.

For convenient reference the amended sixth section of the act is quoted:

“(Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled) that every common carrier subject to the provisions of the Act shall file with the Commission created by this Act and print and keep open to public inspection schedules showing all the rates, fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate has been established. If no joint rate over the through route has been established, these several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and any rules or regulations which in any wise change, effect, or determine any part of the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are

received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this act.

“Any common carrier subject to the provisions of this Act receiving freight in the United States to be carried through a foreign country to any place in the United States, shall also in like manner print and keep open to public inspection at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States, the through rate on which shall not have been made public, as required by this Act, shall, before it is admitted into the United States from said foreign country be subject to customs duties as if said freight were of foreign production.

“No charge shall be made in the rate, fares and charges or joint rates, fares, and charges which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days’ notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection; *Provided*, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of

tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

“The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed, it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties.

“Every common carrier subject to this Act shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this Act to which it may be a party.

“The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged, and may change the form from time to time as shall be found expedient.

“No carrier, unless otherwise provided in this Act, shall engage or participate in the transportation of passengers or property, as defined in this Act, unless the rates, fares, and charges upon which the same are transported by said carrier, have been filed and published in accordance with the provisions of this Act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit

in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs; *Provided*, That wherever the word 'carrier' occurs in this Act it shall be held to mean 'common carrier.'

"That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, to the transportation of troops and materials of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic.

"The Commission may reject and refuse to file any schedule that is tendered for filing which does not provide and give lawful notice of its effective date, and any schedule so rejected by the Commission shall be void and its use shall be unlawful.

"In case of failure or refusal on the part of any carrier, receiver, or trustee, to comply with the terms of any regulation adopted and promulgated or any order made by the Commission under the provisions of this section, such carrier, receiver, or trustee, shall be liable to a penalty of five hundred dollars for each such offense, and twenty-five dollars for each and every day of the continuance of such offense, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

"If any common carrier subject to the provisions of this Act, after written request made upon the agent of such carrier hereinafter in this section referred to, by any person or company for a written statement of the rate or charge applicable to a described shipment between stated places under the schedules or tariffs to which such carrier is a party, shall refuse or omit to give such written state-



ment within a reasonable time, or shall misstate in writing the applicable rate, and if the person or company making such request suffers damage in consequence of such refusal or omission, or in consequence of the misstatement of the rate, either through making the shipment over a line or route for which the proper rate is higher than the rate over another available line or route, or through entering in any sale or other contract whereunder such person or company obligates himself or itself to make such shipment of freight at his or its cost, then the said carrier shall be liable to a penalty of two hundred and fifty dollars, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

"It shall be the duty of every carrier by railroad to keep at all times conspicuously posted in every station where freight is received for transportation the name of an agent resident in the city, village, or town where such station is located, to whom application may be made for the information by this section required to be furnished on written request; and in case any carrier shall fail at any time to have such name so posted in any station, it shall be sufficient to address such request in substantially the following form: 'The Station Agent of the ..... Company, at ..... Station,' together with the name of the proper postoffice, inserting the name of the carrier company and of the station in the blanks, and to serve the same by depositing the request so addressed, with postage thereon prepaid, in any postoffice."

Prior to the amending of Section 6 of the Act to Regulate Commerce as of June 29, 1906, and June 18, 1910, judicial construction of the section had done much to destroy its efficiency, and the disregard of the requirements as to publication, filing, and observance of published tariffs by the carriers, became open and flagrant. On



February 19, 1903, the Elkins Act was made to include the following provision:

"The willful failure upon the part of any carrier subject to said acts (referring to the Act to Regulate Commerce and amendatory and supplemental Acts) to file and publish the tariffs of rates and charges required by said Acts, or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than one thousand dollars nor more than twenty thousand dollars for each offense. . . ."

The further provision was added to this act:

"Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the Act to Regulate Commerce or Acts amendatory thereof, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under this Act shall be conclusively deemed to be the legal rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this Act."

The question naturally may be asked at this point, under the authority thus exercised over the publication of the carrier's rates and charges in schedules termed "tariffs," exactly what is the status of a schedule of rates published and filed in accordance with these provisions. Since the efficiency of the law was impaired prior to the passage of the amendments to the sixth section of the Act to Regulate Commerce of 1906 and 1910, our first step in determining the legal status of the tariff is to ascertain what those amendments added to the prior acts:

The effect of the amendment of 1906 was a practical rewriting of the original sixth section, into a requirement

that only the rate so published and filed could be lawfully used by the carrier, and any rates not published and filed with the Commission, if demanded and collected by the carrier, was illegal. The detail of publication and filing, as well as the power vested in the Commission to provide for and require the observance of certain regulations and specifications governing the construction, publication, and filing of tariffs, will be dealt with in later sections.

## **§ 2. Effect of 1910 Amendments to Section 6 of the Act to Regulate Commerce.**

Under the amendments of June 18, 1910, as embodied in the "Mann-Elkins Act," additional power was lodged in the Interstate Commerce Commission to reject and decline to file any schedule tendered for filing by a common carrier subject to the Act to Regulate Commerce, which failed to provide for, and give lawful notice of, its effective date.

A penalty was provided for convictions of failures or refusals on the part of any carrier or carriers, receiver, or trustee of such carrier or carriers, to comply with the terms of any regulation adopted and promulgated, or of any order made, by the Commission.

All carriers subject to the act were required, upon written request, to furnish a written statement of the legal rate applicable to the shipment described in the written request, and failure or refusal so to do, or a misstatement of the applicable rate, with consequent damage to the shipper making the request, subjected such offending carrier to a penalty. This penalty, by the terms of the act, shall accrue to the United States and is made recoverable in civil action by the United States. However, the question of the right of the shipper to maintain suit for, and recover general damages due to wrong application of rates, has frequently been denied by the Interstate Com-

merce Commission, which has ruled that the shipper is equally responsible with the carrier for the correct application of rates.

Authority lodged in the Commission to promulgate rules and regulations governing the construction and publication of tariffs makes a rate contained in a regularly published tariff no longer the rate imposed by the carrier, but the rate imposed by the law, and, regardless of the rate quoted, or inserted in a bill of lading, the published rate must be paid by the shipper and actually collected by the carrier; nor will the Commission award damages, unless the rate charged is, upon full investigation by the Commission, found to be unreasonable; in which event it will order the carrier to publish what it finds to be a reasonable rate, and if circumstances warrant, will award reparation.

The amendments of 1910 also added to Section 6 of the Act to Regulate Commerce a requirement that each carrier subject to the act must have a resident agent at every station, and prescribed a general form of serving the request for rate quotation, where the name of the carrier's station agent is not posted as required by the act.

This provision of the act has been modified by the Commission in Conference Ruling No. 289, dated October 4, 1910, reading as follows:

"The act requires a carrier to post the name of its resident agent in every office, warehouse, depot or station building at which freight is received. But upon inquiry; Held, That this is not necessary at blind sidings where there is no station agent or any station building at which freight is received."

The power of the Interstate Commerce Commission over the construction, publication, posting, and filing of tariffs of carriers is made essentially absolute by these

amendments, so far as such tariffs embody rates, charges, or practices affecting interstate transportation.

The power of the Commission over the publication of railroad rates has been the subject of judicial review by the federal courts, as will be seen in the following section.

### § 3. The Federal Courts on the Publication of Rates.

In a case known as the "United States v. Illinois Terminal Railway," 168 Fed. Rep. 546, the Federal Court commented as follows upon the object and purpose of the Act to Regulate Commerce, but speaking directly of Section 6:

"The chief object of the Act to Regulate Commerce is the prevention of discrimination. Carriers, being engaged in a public employment, must serve all members of the public on equal terms. This was the doctrine of the common law. It has been explicitly stated and strengthened by the successive acts to regulate commerce. The requirement of the act that all rates should be published is perhaps the chief feature of the scheme provided for the effective outlawing of all discriminations. If this portion of the act is not strictly enforced, the entire basis of effective regulation will be lost. Secret rates will inevitably become discriminating rates. Whenever discriminating rates or practices are made public, a thousand forces of self-interest and of public policy will be set to work to reduce them to fairness and equality."

There are other decisions of both the Federal courts and the Supreme Court of the United States expressive of the judicial view of the economic principle upon which the act operates with respect to the publication of rates, but we venture the doubt if such decisions are of material assistance in the practical interpretation of the act, and hence will not burden you with a recital of their substance.

## CHAPTER II.

### ADMINISTRATIVE REGULATIONS OF TARIFFS BY THE INTERSTATE COMMERCE COMMISSION.

- § 1. Interstate Commerce Commission's Powers under Section 6, of the Act to Regulate Commerce, as Amended.
- § 2. Interstate Commerce Commission's Regulations and Specifications Governing the Construction and Publication of Freight Tariffs.
- § 3. Tariff Filing Requirements of the Interstate Commerce Commission.
  - (1) Tariffs to or from Points in Adjacent Foreign Countries.
- § 4. Statutory Notice Required in the Publication and Filing of Tariffs with the Interstate Commerce Commission.
  - (1) Publishing and Filing Tariffs under Amended Fourth Section of the Act.
  - (2) New Roads.
  - (3) Rates from Intermediate Points.
  - (4) Inland Portions of Export or Import Rates.
  - (5) Ocean Carriers—Export and Import Tariffs.
  - (6) Rates from Canada.
  - (7) Reduction of Effective Rates.
  - (8) Rates on Circus Outfits.
  - (9) Rate Reductions in Suspended Tariffs.
  - (10) Amending Tariffs on Less Than Statutory Notice.
- § 5. Computation of Statutory Period of Notice and Methods of Filing Tariffs.





## CHAPTER II.

### ADMINISTRATIVE REGULATIONS OF TARIFFS BY THE INTERSTATE COMMERCE COMMISSION.

#### § 1. Interstate Commerce Commission's Powers Under Section 6 of the Act to Regulate Commerce, as Amended.

Section 6 of the Act to Regulate Commerce, as now amended, empowers the Interstate Commerce Commission to "determine and prescribe the form in which the schedules required by this section (6th) to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient."

It also authorizes the Commission, in its discretion and for good cause shown, to "allow changes upon less than the notice herein specified, or modify the requirements of this section (6th) in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions."

It will be observed that these powers are comprehensive and vest in the Commission full and sufficient power over all the details of construction, publication, posting, filing, rejection, suspension (under the provisions of Section 15) of new tariffs, and application of tariffs and schedules of rates, fares and charges under which any carrier subject

to the act may engage or participate in interstate transportation. They are further strengthened by the prohibition of the same section, which denies the right to any carrier subject to the Act to Regulate Commerce, to engage or participate in the "transportation of passengers or property, as defined in this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions" of the act. (Section 6.)

The power of the Commission to change or modify the requirements of Section 6 is practically unlimited, but the Commission has used wisdom and conscience in its exercise of this vast authority. In speaking of this power vested in it, the Commission said in the case of the Nebraska-Iowa Grain Co. v. U. P. R. R. Co., et al., 15 I. C. C. Rep. 90, 93:

"This Commission is an administrative body. The rates, regulations, and practices which it establishes within its jurisdiction become rules of action which may and must enter into the business dealings of this country. It may be necessary to change from time to time these rulings as varying conditions require, but they should never be changed except upon due notice to the public, which is affected by them, and it would be altogether intolerable if the change made could be made retroactive.

"No holding of this Commission can render lawful that which is of itself unlawful."

## § 2. Interstate Commerce Commission's Regulations and Specifications Governing the Construction and Publication of Freight Tariffs.

Under the powers conferred upon it by the act, the Interstate Commerce Commission has issued, from time to time, regulations and specifications governing the con-



struction, publication and filing of freight tariffs and classification schedules. These regulations are embodied in a circular issued by the Commission, the current issue of which is designated as "Tariff Circular 18-A," and entitled, "Regulations Issued by the Interstate Commerce Commission, Under Authority of Section 6 of the Act to Regulate Commerce as Amended June 18, 1910, to Govern the Construction and Filing of Freight Tariffs and Classifications, and Passenger Fare Schedules, by Common Carriers Wholly by Railroad or Partly by Railroad and Partly by Water, as Defined in Said Act." In addition to these regulations and specifications, the circular contains, in the latter portion of it, certain administrative rulings by the Commission which are illustrative of the general requirements of the act and the Commission.

These regulations and specifications will be referred to by number, as well as will the administrative rulings, as they are reached and affect the different phases of tariff construction, publication, and filing, and complete current text of the Tariff Circular 18-A will be found as an appendix to this volume.

### **§ 3. Tariff Filing Requirements of the Interstate Commerce Commission.**

Since the amending of the sixth section of the act in 1906, it has twice been necessary for the Interstate Commerce Commission to constructively accept the tariffs and schedules of the carriers then on file with it. In other words, tariffs lawfully on file with the Commission on May 1, 1907, were, with certain minor exceptions, considered in force until they could be properly reissued. Again, all tariffs filed with the Commission on and after May 1, 1911, have been required to conform with all of the regulations promulgated by the Commission.

Briefly, the mandate of the act is, that every common carrier subject to its provisions, is required to file with the Interstate Commerce Commission, schedules showing all the rates, fares, and charges for transportation between different points on its own route, and between points on its own route and points on the route of any other carrier, by railroad, by pipe line, or by water line, when a through route and joint rate have been established. If the joint rate has not been established, then the several carriers constituting the through route, must file their separately established rates, fares, and charges applying to such through transportation.

The Commission requires, in Rule 72, Tariff Circular 18-A, that tariffs naming rates from or to points in Mexico or Canada through the United States, or from or to points in the United States through Mexico or Canada, must be concurred in by all lines parties to through rates, or statement of divisions accruing to the United States roads must be filed with the Commission. Rule 72 reads as follows:

**(1) Tariffs to or from Points in Adjacent Foreign Countries.** "Through rates and fares from points in the United States to points in foreign countries adjacent thereto and through rates and fares from points in adjacent foreign countries to points in the United States are a great convenience, and the Commission therefore desires to permit and encourage the publication and filing of such through rates and fares under lawful and proper conditions. Therefore, and until further order of the Commission:

"A joint tariff naming rates or fares from a point in the United States to a point in Mexico or in Canada; from a point in Mexico or in Canada to a point in the United States; from a point in Mexico through the United States to a point in Canada; from a point in Canada

through the United States to a point in Mexico; from a point in Mexico through the United States to a point in Mexico; from a point in Canada through the United States to a point in Canada; from a point in the United States through Mexico or through Canada to a point in the United States, must be concurred in, in form prescribed in these regulations and without reservation by all lines that are parties to the through rates or fares and that participate in transportation thereunder; or, a statement of the divisions of the rates or fares accruing to the roads in the United States to or from the border must be incorporated in the tariff or be filed with the Commission together with and at the same time the tariff itself is filed.

“(Adopted March 7, 1910.) The purpose of the above rule, requiring the domestic carriers to publish their divisions of rates and fares to and from Canada or Mexico, is to give to this Commission definite information as to their lawful earnings, and is not intended as a means of exercising any jurisdiction over carriers in adjacent foreign countries.

“(Adopted October 9, 1911.) Rates on freight traffic from a point in Canada through the United States to a point in Canada may be changed upon a notice of 30 days as to advances in rates and 3 days as to reductions in rates given to the Commission and the public in manner required by law provided such freight traffic moves in bond and that no transit or stop-over privilege is allowed thereon within the United States, and that tariff so states; and provided further, that such rates be published in tariffs which contain only rates on traffic that has neither origin nor destination in the United States.

“Fares from a point in Canada through the United States to a point in Canada may be changed upon like notice, provided no stop-over privilege is allowed thereon within

the United States and that tariff so states; and provided further, that such fares be published in tariffs which contain only fares that have neither origin nor destination in the United States.

"Each tariff publication in which changes in rates are made upon short notice under the terms of this Rule shall bear on its title-page the notation: 'Issued under authority of Rule 72, Interstate Commerce Commission Tariff Circular 18-A.'"

#### **§ 4. Statutory Notice Required in the Publication and Filing of Tariffs with the Interstate Commerce Commission.**

The act requires that not less than thirty days' notice be given the Commission and the public, of any change made in the rates, fares, and charges, either local or joint, and that such changes must be so published in conformity with the regulations of the Commission, as to show plainly the changes proposed and time when such changes will go into effect.

However, the proviso in this part of the sixth section vests discretionary power in the Commission to allow changes in rates, fares, or charges to be made upon less than the statutory notice, and to otherwise modify the requirements of the act with respect to the filing of tariffs.

The Commission has authorized short notice filing as follows:

"A tariff bearing reference on its title page to Rule 77 in form prescribed may be amended providing for rates to or from intermediate points which do not exceed rates to or from a more distant point on.....one day's notice."

(1) **Publishing and Filing Tariffs Under Amended Fourth Section of the Act.** Rule 77 of Tariff Circular 18-A as amended June 12, 1914, reads as follows:

“(a) If tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for application from intermediate points, they would conflict with the amended fourth section of the Act whenever the class rate or a combination from an intermediate point exceeds the commodity rate from a more distant point.

“Ordinarily, rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination (see Rule 68), but there may be instances where the intermediate application of rates is impracticable or where conflicting rates would result from the establishment of such intermediate application.

“Tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move. Therefore, until further ordered, carriers may file tariffs containing commodity rates applicable from known points of production or to known points of consumption without making such rates applicable from or to all intermediate points. Each such tariff shall bear on its title-page the following notation:

“By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefor rates



which will not exceed those in effect from (or to) more distant points will, under authority granted by the Interstate Commerce Commission, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.

"In observance of the foregoing tariff provision carriers may on one day's lawful notice to the Commission and to the public extend the application of the rates shown in the tariff by establishing commodity rates from or to intermediate points which do not exceed the rates from or to the more distant point on same line or route, provided no increase is thereby made in any existing rate or charge.

"A tariff or supplement containing commodity rates issued upon short notice under authority of paragraph (a) of this Rule must bear on its title-page or in connection with the item containing the rate the following notation:

"Issued under authority of Rule 77 (a) of Interstate Commerce Commission Tariff Circular No. 18-A. The rate from (or to) the more distant point appears in ..... tariff I. C. C. No. ...., item (or page) .....

"(b) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge higher rates or fares for shorter than for longer distances over the same line or route, the title-page of each tariff issued and filed under such authority must bear the following notation:

"This tariff contains rates (or fares) that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Fourth Section Order (or Orders), as indicated in individual items herein.

"In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's Fourth Section Order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one Fourth Section Order reference to the number and date thereof may be upon the title-page of the publication. When a general Fourth Section Order is referred to, the particular section thereof granting such authority must be shown in addition to the Order number.

"(c) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge rates or fares higher than the aggregate of the intermediate rates or fares subject to the Act, the title-page of each tariff issued and filed under such authority must bear the following notation:

"This tariff contains rates (or fares) that exceed the sums of the intermediate rates (or fares) subject to the Act. Such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Fourth Section Order (or Orders), as indicated in individual items herein.

"In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's Fourth Section Order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one Fourth Section Order reference to the number and date thereof may be upon the title-page of the publication.

"(d) Nothing in this Rule may be construed as waiving

any of the provisions of the amended fourth section of the Act to regulate commerce."

In the case of rates between points on newly constructed lines of road, including branches and extensions of existing railroads, local rates and fares, and also joint rates and fares, may be established in the first instance to and from points on such new lines by posting tariffs of such rates or fares issued by the carrier owning or operating such newly constructed lines, or by joint agent, and the filing the same with the Commission one day in advance of the taking effect of such rates or fares.

(2) **New Roads.** Rule 57, Tariff Circular 18-A, reads as follows: "On newly constructed lines of road, including branches and extensions of existing roads, local rates and fares, and also joint rates and fares, may be established in the first instance to and from points on such new lines by posting tariffs of such rates or fares issued by the carrier owning or operating such newly constructed lines or by joint agent acting for it under power of attorney FX1 or PX1, and filing the same with the Commission one day in advance. Such tariff must bear notation that it applies to or from points on newly constructed lines to or from which no rates or fares from same points of origin or to same points of destination have applied, and give reference to this rule. Tariffs or supplements to tariffs issued by other carriers establishing rates to or from or via such newly constructed line may be issued only upon statutory notice or special permission for shorter time. It will be the Commission's policy to grant such reasonable permissions as are necessary to give carriers and shippers fullest efficiency of such new lines."

(3) **Rates from Intermediate Points.** Rule No. 77, Tariff Circular 18-A, provides that rates from intermediate



points which do not exceed rates from more distant points on same line or route, provided no advance is thereby made in an existing rate, may be published on one day's notice.

**(4) Inland Portions of Export or Import Rates.** Rule No. 71C, Tariff Circular 18-A, provides that inland portions of export or import rates via Pacific Ocean ports may be published as follows:

Reductions.....Three days' notice

Increases.....Ten days' notice

**(5) Ocean Carriers—Export and Import Tariffs.** Rule 71, Tariff Circular 18-A, reads as follows:

"Ocean carriers between ports of the United States and foreign countries not adjacent are not subject to the terms of the Act to regulate commerce; nor to the jurisdiction of the Commission.

"(a) The inland carriers of traffic exported to or imported from a foreign country not adjacent must publish their rates and fares to the ports and from the ports, and such rates or fares must be the same for all, regardless of what ocean carrier may be designated by the shipper or passenger.

"(b) As a matter of convenience to the public said carriers may publish in their tariffs such through export or import rates or fares to or from foreign points as they may make in connection with ocean carriers. Such tariffs must, however, distinctly state the inland rate or fare as above provided; and need not be concurred in by the ocean carrier, because concurrence can be required from, and is effective against, only carriers subject to the Act.

"(Adopted June 28, 1909.) It is permissible for a carrier to state its inland rates or fares, which must be open to all

alike, regardless of what ocean carrier may be designated by the shipper or passenger, and regardless of the nationality or employment of the person transported, and in the same connection to show the additional steamship charges which go to make up through rates or fares to or from foreign destinations.

"If the inland portion of such fares is different from the carrier's domestic fares, and if such inland proportionals are offered only in connection with travel to or from a foreign country, it is entirely proper and necessary that the inland carrier shall require evidence of steamer passage having been paid for before granting to any person its inland proportional fare which its tariff offers in connection with such journey, and to note on separate tickets that may be issued for the inland and the ocean portions of such trip cross references to the other portions of such tickets, and to require satisfactory evidence to be presented to conductor in order to make valid such inland proportional ticket.

"(c) Whichever plan of publishing these rates and fares is followed the tariffs must be filed and posted, and may be changed only upon statutory notice or under special permission for shorter time, except that, in consideration of unusual and special circumstances surrounding the movement of traffic exported to or imported from foreign countries not adjacent to the United States and which moves through ports of the United States or Canada on the Pacific Ocean as to said traffic and confined to tariffs which contain only rates applicable thereto, the Commission by its order of October 24, 1908, authorized carriers to make changes in said rates upon notice to the Commission and to the public in manner prescribed by law of three days as to changes which effect reductions in rates or charges and like notice of ten days as to changes which

effect increases in rates or charges. This authority is intended to include passenger fares to or from ports of the United States or Canada on the Pacific Ocean in connection with passage tickets to or from foreign countries not adjacent to the United States, where shown in tariffs that are confined to such fares. Tariffs issued upon short notice under authority of this Rule must bear notation 'Issued under authority of Rule 71, Interstate Commerce Commission Tariff Circular 18-A.'

"(d) Export and import traffic may be forwarded under through billing, but such through billing must clearly separate the liability of the inland carrier or carriers and of the ocean carrier, and must show the tariff rate of the inland carrier or carriers."

**(6) Rates from Canada.** Rule No. 72 Tariff Circular 18-A, provides that the United States portion of rate on traffic from a point in Canada through the United States to a point in Canada may be published as follows:

Reductions ..... Three days' notice .

Increases..... Thirty days' notice

**(7) Reduction of Effective Rates.** Rule No. 56, Tariff Circular 18-A, reads as follows:

"(a) Where a rate or fare is in effect by a given route between any points which is higher than the sum of the intermediate rates or fares between the same points, by the same or another route, and such rate or fare has been in effect thirty days or longer, such higher rate or fare may, until further notice from the Commission, be changed by reducing the same to the sum of such intermediate rates or fares, but not otherwise, upon posting and filing with the Commission one day in advance a supplement to or a reissue of the tariff in which the rate or fare so reduced

appears, which supplement or reissue shall show the reduced rate or fare; shall bear notation that it is effective on less than statutory notice 'by authority of Rule 56 of Tariff Circular 18-A;' shall show on title-page, or in connection with such item, by identifying references and I. C. C. numbers, the tariffs that contain the factors which make up the new rate or fare; except that, if the rate so reduced is contained in a strictly class rate tariff, the reduced rate will be published in a new commodity tariff or in a supplemental to or reissue of a tariff which contains commodity rates and in which all carriers whose lines make up the route over which the rate applies have concurred, and which is issued by the same carrier or agent that issued the tariff which contained the rate so reduced. Such tariff, supplement, or reissue must bear on its title-page, or in connection with such item, the notation: 'Issued under authority of Rule 56, Interstate Commerce Commission Tariff Circular 18-A. The rate (or rates) hereby reduced appears in ..... Tariff, I. C. C. No. ...., item (or page) ...., and the factors from which the new rate herein shown as equaling the sum of the intermediate rates are found in ..... Tariff, I. C. C. No. ...., item (or page), and ..... Tariff, I. C. C. No. ...., item (or page) ....'

"Except when a new commodity rate is established to supersede a higher class rate this Rule limits the authority to change rates or fares thereunder to changes that are announced in supplements to or reissues of the tariffs in which the rates or fares so reduced appear, and each such supplement or reissue shall show specifically on its title-page the authority under which it is made effective on less than statutory notice and definite and distinct reference to the factors which are used to make up the reduced rate or fare.

“(b) Many informal complaints are received in connection with regularly established through rates or fares which are in excess of the sum of the intermediate rates or fares between the same points. The Commission has no authority to change or fix a rate or fare except after full hearing. It is believed to be proper for the Commission to say that if called upon to formally pass upon a case of this nature it would be its policy to consider the through rate or fare which is higher than the sum of the intermediate rates or fares between the same points as *prima facie* unreasonable and that the burden of proof would be upon the carrier to defend such higher through rate or fare.

“Note.—Attention is called to the fact that section 4 of the Act, as amended, prohibits a through rate or fare that exceeds the sum of the intermediate rates or fares that are subject to the Act. The term ‘intermediate rates’ as used in said section is interpreted to mean the straight-away or direct-haul rates or fares, and not to include any back-haul charge.”

**(8) Rates on Circus Outfits.** Rule No. 63, Tariff Circular 18-A, provides that rates on circus and show outfits may be issued on one day’s notice, and reads as follows:

“The act to regulate commerce, as amended June 29, 1906, applies to the transportation of circuses and other show outfits, but the Commission recognizes the peculiar nature of this traffic and the difficulty of establishing rates thereon in advance of shippers’ request describing the character and volume of the traffic offered, and has therefore entered a general order authorizing carriers to establish rates on circuses and other show outfits by tariff, to become effective one day after filing thereof with the Commission, and relieving them from the duty of posting such tariffs in their stations. Such tariff may consist of



a proper title-page reading 'as per copy of contract attached,' and to it may be attached a copy of the contract under which the circus is moved. As far as practicable general rules or regulations governing the fixing of such rates should be regularly published and filed."

**(9) Rate Reductions in Suspended Tariffs.** Rule 9-M, Tariff Circular 18-A, reads as follows:

"When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a schedule which contains both increases and reductions in rates, charges, classifications, or regulations, such reduced rates, charges, classifications, or regulations may be reestablished on one day's notice to the Commission and the public, prior to and effective upon the date the new schedule was intended to take effect, by the publication and filing of a supplement to the tariff continued in force by reason of such suspension, or, if such tariff is of less than five pages, by the publication and filing of a new tariff, making proper cancellation of the restored tariff. A supplement or tariff issued under authority of this Rule shall bear upon its title-page the following notation:

"Issued by authority of Rule 9 (m), Interstate Commerce Commission Tariff Circular 18-A."

The above quotations cover all of the set rules authorizing the filing of freight tariffs on less than statutory notice but it frequently happens that the Commission's decision, in connection with a specific case, will order rates published on short notice.

**(10) Amending Tariffs on Less Than Statutory Notice.** In addition to authority vested in the Commission to order rates established on less than statutory notice, it also has

the power to, and will in cases where special or peculiar circumstances or conditions justify it, authorize publication on short notice upon properly executed application by a carrier as provided in Rule 58 of Tariff Circular 18-A, as follows:

“(a) The Act authorizes the Commission, in its discretion and for good cause shown, to permit changes in tariff rates or fares on less than the statutory notice. It is believed that this authority should be exercised only in instances where special or peculiar circumstances or conditions fully justify it. Confusion and complication must follow indiscriminate exercise of this authority. Applications for permission to change tariffs on less than statutory notice shall be addressed to the Interstate Commerce Commission, and in the following form, on paper 8 by 10½ inches. Such applications must be over signature of the president, vice president, general traffic manager, assistant general traffic manager, general freight agent, general passenger agent, or a duly authorized attorney and agent, specifying title.”

.....

[Name of carrier.]

....., 191...

[Place and date.]

To the Interstate Commerce Commission, Washington,  
D. C.:

The ....., by ....., its .....,  
[Name of carrier.] [Name of officer.] [Title of officer.]

does hereby respectfully petition the Interstate Commerce Commission that it be permitted, under Section 6 of the Act to regulate commerce as amended June 18, 1910, to put in force the following rates (or fares), to become effective ..... days after the filing thereof with the Interstate Commerce Commission:

.....  
[State fully the rates (or fares) which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination.]



Your petitioner further represents that the said rates (or fares) above mentioned will be published in Supp. No. .... to Tariff I. C. C. No. ...., and will supersede and take the place of the rates (or fares) on like traffic from and to the points above named which are set forth in Tariff I. C. C. No. .... (or supplement) on file with the Commission.

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request therein made:

.....  
 [State fully all the circumstances and conditions which are relied upon as justifying the applica-  
 .....  
 tion, and if based upon rates (or fares) in effect via other lines, specific reference shall be given  
 .....  
 to the I. C. C. numbers of the tariffs of such other line or lines.]

.....  
 [Name of carrier.]  
 By .....  
 [Name and title of officer.]

Subscribed and sworn to before me this ..... day of  
 ....., 19...

.....  
 Notary Public.

"The Commission requests that as far as possible these applications be sent by mail and not by telegraph. Action will be taken only on receipt of the verified application.

"(b) (Issued September 29, 1906.) Desire to meet the rates or fares of a competing road or line which has given the full statutory notice of change in rates or fares will not of itself be regarded as good cause for allowing changes in rates or fares on a notice of less than thirty days.

"(c) (Issued March 18, 1907.) A request from one carrier, party to a joint tariff, for permission to amend such tariff on less than statutory notice necessarily raises some question of doubt as to the wishes or concurrence of other interested carriers also parties to the tariff. It is desirable

and proper that any such permission given by the Commission should affect alike all parties to the tariff that is to be amended under it. The Commission therefore decides:

“That when a carrier gives an agent authority to file tariff or tariffs and supplements thereto in its name, place, and stead, or concurrence in tariff or tariffs and supplements thereto which another carrier or its agent may file thereunder, the agent or carrier to whom such authority or concurrence is given has, under the terms of the authority or concurrence, the power and the right to request, in the name and on behalf of the carriers participating in such tariff or tariffs, permission to amend same on less than statutory notice.

“Such requests as to joint tariffs must be made by the agent or the carrier that is authorized to file the tariff and in making them form same as that prescribed for use of individual carrier shall be used, except that the request must state that it is made in the name and on behalf of all carriers that are parties to the tariff, and that formal authority to file the tariff, or formal concurrence in the tariff, is on file with the Commission from each of such carriers.

“(d) Request will be signed and verified by the agent or officer who makes it, and every carrier that has, by formal authority or concurrence, made itself a party to such tariff will be held bound by the act of its agent under such authority or by its concurrence. This Rule will, in so far as it is possible, be applied to tariffs now on file, and will be effective in all cases as to freight tariffs from and after May 1, 1907, and as to passenger tariffs from and after June 1, 1907.

“(e) This authority will be exercised only in cases where actual emergency and real merit are shown. Clerical or typographical errors in tariffs constitute good cause for

the exercise of this authority, but every application based thereon must plainly specify the omissions or mistakes together with a full statement of the circumstances attending such omission or error and be presented with reasonable promptness after issuance of the defective tariff."

### **§ 5. Computation of Statutory Period of Notice and Method of Filing Tariffs.**

As it is the purpose of this work to conserve brevity, we shall forego comment on all rules and methods of filing tariffs, restricting the effort to the various rules of the Interstate Commerce Commission as they affect the particular phase of the subject with which we are dealing.

The terms "tariffs, schedules, and supplements thereto," includes tariffs of rates or fares, schedules of classification, schedules or circulars of rules, regulations, or practices affecting rates, charges, fares, classifications, and all supplements to such tariffs, schedules, or circulars, in the form prescribed by the regulations and specifications of the Commission embodied in Tariff Circular 18-A and supplements thereto, or reissues thereof.

In accepting a tariff or supplement thereto for filing the Commission requires that such tariff or supplement thereto shall be delivered to it the full thirty days, required by the act, before the date upon which such tariff or supplement thereto is stated to be effective.

In the case of short-notice filings, which may only be made under proper notations upon the face of the tariffs of such authority for so filing, delivery to the Commission must be made in time to admit of the full period of notice required before the effective date shown on the tariff or supplement thereto. The Commission gives no consideration to or for the time during which a tariff or supplement thereto may be held by an express company for charges

or by the Postoffice Department because of insufficient postage.

In the event a tariff or supplement is received by the Commission too late to give the Commission the full thirty days' notice required by law, such tariff or supplement thereto, will be returned to the carrier attempting to file the same, and its correction or reissue must allow for the full statutory period of notice from the date of its second receipt by the Commission.

The Commission gives no consideration to telegraphic notices in computing the statutory period of notice.

Rule 14, Tariff Circular 18-A, provides for the method of filing tariffs in the following language:

“(a) The Act requires that all charges in rates, or in rules that affect rates, shall be filed with the Commission at least thirty days before the date upon which they are to become effective. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not the statutory notice has been given. The title-page of every tariff or supplement must show full thirty days' notice, or must bear a plain notation of the number and date of the permission, or the Rule, or the decision of the Commission under which it is effective on less than Statutory notice.

“(b) The law affirmatively imposes upon each carrier the duty of filing with the Commission all of its tariffs and amendments thereto, as prescribed in the law or in any rule relative thereto which may be announced by the Commission, under penalty for failure so to do, or for using any rate which is not contained in its lawfully published and filed tariffs. The Commission will give such consistent assistance as it can in this respect, but the fact that receipt of a tariff, or supplement to a tariff, is acknowledged by the Commission, or the fact that a tariff, or supplement to

a tariff, is in the files of the Commission will not serve or operate to excuse the carrier from responsibility or liability for any violation of the law, or of any ruling lawfully made thereunder, which may have occurred in connection with the construction or filing of such tariff or supplement.

“(c) Thirty days’ notice to the public and to the Commission is required as to every publication which it is necessary for a carrier to file with the Commission, regardless of what changes may or may not be effected thereby.

“(d) No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff or supplement is stated to be effective. No consideration will be given to or for the time during which a tariff or supplement may be held by an express company for charges or by the Post-Office Department because of insufficient postage. A tariff or a supplement that is received by the Commission too late to give the Commission the full thirty days’ notice required by law will be returned to sender, and correction of the neglect or omission can not be made which takes into account any time elapsing between the date upon which such tariff or supplement was received and the date of attempted correction. In other words, when a tariff or a supplement is issued and as to which the Commission is not given the statutory notice it is as if it had not been issued, and full statutory notice must be given of any reissue thereof. No consideration will be given to telegraphic notices in computing the thirty days’ notice required. For tariffs and supplements issued on short notice under special permission of the Commission full thirty days’ notice is not required, but literal compliance with the requirements for notice named in any



permission granted by the Commission will be exacted and in accord with the policy and practice above outlined.

“(e) When a schedule is rejected by the Commission as unlawful, the records so show and, therefore, such schedule should not thereafter be referred to as canceled, amended, or otherwise except to note on publication that is issued in lieu of such rejected schedule ‘In lieu of. . . . rejected by Commission;’ nor should the number which it bears be again used.

“(f) Rates prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs, or supplements to tariffs, and notice shall be sent to the Commission that its order in case No. . . has been complied with in item . . , page . . of . . . tariff, I. C. C. No. . . , or supplement . . to . . . tariff, I. C. C. No. . . .

“In establishing rates or regulations under an order of the Commission in a formal case, carrier or carriers that are actually, and on the record parties to the case, or that are lawful parties to a joint tariff in which the rate or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission’s order commodity or commodities that are grouped with that or those which are specified in the order; and may also include adjustment at other points in order to preserve established grouping or relation of points, and may also include adjustment of rates to same points on other commodities for the purpose of maintaining established relation of rates between commodities: *Provided*, all such changes made by authority of this Rule shall be effected by reductions in rates or charges.

"If carrier that is not so party to the case or to the joint tariff desires to make on less than statutory notice the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

"Unless otherwise specified in the order in the case, such tariff or supplement may be made effective upon five days' notice to the Commission and to the public, and if made effective on less than statutory notice, either under this Rule or under special authority granted in the order in the case, shall bear on its title-page notation 'In compliance with the order of Interstate Commerce Commission in case No.'

"\* If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

"(g) Circulars announcing or explaining the attitude and course of carriers under injunction of a court, relating to tariff rates or regulations, must not be issued as supplements to tariffs nor given I. C. C. numbers unless they are issued on statutory notice or under special permission from the Commission for shorter time. The Commission will, however, be pleased to have copies of such circulars and the information therein contained.

"(h) Each carrier files tariffs under I. C. C. numbers, which are presumed to be used consecutively. Occasionally a tariff or supplement is received which does not bear I. C. C. number next in numerical order to that borne by the last one filed. This is sometimes occasioned by the missing number having been assigned to a tariff that is in course of preparation. Request is made that in so far as is possible carriers will file tariffs and supplements in con-



secutive numerical order of I. C. C. numbers. If from any cause this is not done in any instance, the tariff or supplement that is filed with an I. C. C. number that is not consecutive with the last number filed must be accompanied by a memorandum explaining as to the missing number or numbers.

“(i) Common carriers and agents are directed, in filing schedules in compliance with the statute, to transmit two (2) copies of each tariff, supplement, classification, or other schedule of rates or regulations, for the use of the Commission, both copies to be included in one package and under one letter of transmittal.

“Tariffs sent for filing must be addressed ‘Interstate Commerce Commission, Division of Tariffs, Washington, D. C.’ ”

All tariffs, schedules, and supplements thereto, must be filed with the Commission by a proper officer of the carrier or by an agent lawfully constituted by it to perform such duty. This is provided for in Rule 13, Circular 18-A, as follows:

“(a) Tariffs, classifications, and exception sheets and supplements thereto shall be filed with the Commission by proper officer of the carrier or by an agent designated to perform that duty, and concurrence of every carrier participating therein must be on file with the Commission or accompany the tariff or supplement. If a carrier authorizes an agent to file its tariffs or classifications and exception sheets and supplements thereto, or certain of them, official notice of such authorization and of acceptance of responsibility by the carrier for his acts, in form as hereinafter specified, must be filed with the Commission.

“Such authority may be revoked by a carrier upon thirty days’ official notice to the Commission, or at any time be transferred to another agent by filing with the Commission

notice of such transfer, accompanied by a full-form authorization for the newly named agent.

“(b) If two or more carriers appoint the same person as agent for the filing of tariffs or classifications and supplements thereto, each of them will be required to file with the Commission power of attorney in form prescribed appointing him their agent; and the concurrence of every other carrier participating in any tariff or classification or supplement thereto which is filed by him must be on file with the Commission or accompany the tariff.

“When consolidated form of concurrence FX6, FX7, or FX8 has been used and additions are to be made to the list of roads for which such agent acts under powers of attorney the necessity for a new set of consolidated concurrences presents itself. Trouble and inconvenience can be avoided by the issuance of powers of attorney authorizing such agent to receive concurrences provided in Rules 23, 24, and 25, and the securing of new concurrences will be comparatively simple.

“(c) Such joint agent duly authorized to act for several carriers must file joint tariffs or classifications or exception sheets under I. C. C. serial numbers of his own.

“(d) Tariffs issued by a carrier under its I. C. C. numbers may include, under proper concurrences, shown therein, rates via, and to and from points on other carriers' lines and concurring carriers may use such tariffs for posting at their stations. Such tariff must be filed by the issuing carrier and such filing will constitute filing for all lawfully concurring carriers.

“(e) The agent or the carrier that issues a joint tariff publication shall at once send copies thereof to each and every carrier that is named as party thereto.

“(f) A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates must

not in its own publications publish rates that duplicate or conflict with those which are published by such authorized agent or other carrier.

“(g) If an agent publishes class rates and does not also publish commodity rates, such agent’s class tariff must carry notation that the commodity rates of the carriers parties to the tariff are to be found in their individual issues, and that where so found they take precedence over class rates.

“If an agent publishes a part but not all of the commodity rates of the carriers for which he acts, all of his tariffs containing commodity rates must bear notation that commodity rates not shown therein are to be found in the carriers’ individual issues, and where so found they take precedence over class rates.

“(h) Rates for through shipments are often made by adding together two or more rates. All State or other rates used in combination for interstate shipments must be posted at points from which they apply and filed with the Commission, and can only be changed as to such traffic in accordance with the terms of the Act.

On February 5, 1912, the Commission issued an amendment to Rule 13, as follows:

“When an agent who issues and files tariffs under powers of attorney is succeeded by another agent, it becomes necessary to file notice of transfer of such authority and to cancel powers of attorney to the former agent, simultaneously with the filing of new powers of attorney in favor of the new agent.

“It has been essential also, under such circumstances, that consolidated forms of concurrence, FX6, FX7, or FX8, in favor of carriers for which the former agent acted, be replaced by new consolidated forms, running to the principals of the new agent. When the same principals

that appointed the former agent will be served by the new agent, without change, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer notice stating that the concurrence naming the former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

"The transfer notice shall be as follows:"

[Name of carrier in full.]  
General Freight Department.  
Transfer Notice to FX, .... No. ...  
....., 191...

To the Interstate Commerce Commission,

Washington, D. C.:

Effective ....., 191..., this company's concurrence, form FX..., No. .., naming [name of former agent] as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by [name of new agent].

[Name of carrier in full.]

By ....., [Sig.]

....., [Title.]

"This form must be filed with the Commission not later than the date effective provided therein, must be printed or typewritten on paper 8 x 10½ inches in size, and must be signed by proper traffic officer of the issuing company, but shall not bear serial number other than that of the concurrence form to which it applies.

"When changes will occur in the list of carriers for which the new agent will act, cancellation of concurrences nam-

ing former agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore."

Two copies of each such tariff, schedule, or supplement, must be transmitted for filing with the Commission, included in one package and under one letter of transmittal.

Tariffs transmitted for filing with the Commission must be accompanied by the following form of letter of transmittal:

[Name of carrier in full.]

.....

General Freight Department,

(Date).....

Advice No. ....

To the Interstate Commerce Commission,

Washington, D. C.

Accompanying schedule is sent you for filing, in compliance with the requirements of the Act to Regulate Commerce, issued by .....

....., and bearing

I. C. C. No.....

Supp. No. ...., to I. C. C. No. ....

Effective....., 19....,

and is concurred in by all carriers named therein as participants, under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following named carriers, whose concurrences are attached hereto:

.....  
 .....  
 .....

[Signature of Filing Agent.]

This letter of transmittal must be on paper 8 by 10½ inches in size. A separate letter may accompany each schedule, or the form may be so modified as to provide for filing under one letter of transmittal as many schedules as can conveniently be entered.

If a receipt is desired for the schedule accompanying this letter of transmittal, the letter of transmittal must be sent in duplicate, when one copy will be stamped and returned to the filing carrier or agent as a receipt.

Tariffs transmitted for filing with the Commission must be addressed,

“Interstate Commerce Commission, Division of Tariffs,  
Washington, D. C.”

The Commission will not accept for filing any tariff or supplement unless the same is delivered to it free from all charges or claims for postage or express.

### CHAPTER III.

#### REQUIREMENTS GOVERNING POSTING OF TARIFFS.





## CHAPTER III.

### REQUIREMENTS GOVERNING POSTING OF TARIFFS.

The posting of tariffs for public inspection is intended, by the Act, to be one of the most effective means of making it possible, for the presumption at law, that the shipper knows the rate.

The shipper is held equally responsible with the carrier for the proper application of rates, and the Interstate Commerce Commission, by its posting requirements; has placed before the shipper a complete file of tariffs applying from each point of shipment where a railroad maintains an agency, thus affording the shipper an opportunity to acquaint himself with, and ascertain before shipment, the lowest legal transportation charge which a shipment must bear.

The Act requires every carrier subject thereto, to keep posted in two conspicuous places in every depot, station or office of such carrier where freight is received for transportation, in accessible and convenient form for public inspection, tariffs and schedules containing and showing all rates and charges for transportation

Between points on its own line or route; and

Between points on its own route and points on the route of any other carrier by railroad, by pipe line or by water, when a through route and joint rate has been established; or

If no joint rate has been established over such through

route, the separately established rates and charges to transportation over such through route.

The Interstate Commerce Commission, by authority vested in it by the law, under date of June 10, 1907, ordered the carriers to post in two public and conspicuous places, at the larger stations,

(1) Copies of all tariffs from that station to any point.

(2) Copies of all tariffs issued by any carrier to that station from any point.

(3) Copies of all tariffs issued by the carrier on whose line the station is located, from or to every other point on the lines of such carrier.

The carriers considered this an imposition and not for the best interest of the commercial public in that it required each carrier, not only to post all tariffs which it published or in which it concurred, but copies thereof in two conspicuous places at each station, for public inspection; which would mean that a third set would have to be furnished for the agent, in order to attain the desired efficiency, as experience had demonstrated that a set of tariffs open to the public and not under the constant supervision of the agent would soon become mutilated or depleted by careless or malicious persons. Furthermore, it appeared improbable that two sets would be in use at the same time, or that any particular tariff would be desired by two persons at the same time, and it was the opinion of the carriers that the best results could be obtained by maintaining one set of tariffs, open to public inspection, but constantly under the supervision of the agent.

Another objectionable feature in the order was the requirement that all tariffs naming rates to a particular station must be on file at such point. The carriers had many objections to this, the principal one being that this provision required all tariffs to be on file at a destination,

30 days prior to the effective date. This could easily be accomplished in tariffs issued by a carrier itself, but was not possible in tariffs issued by an agent or by some other carrier, in a distant part of the country without an extension of the notice required by law.

As an illustration: A carrier whose tariff department is located in some eastern city publishing a tariff naming rates from stations on its line to destinations in the central states, could easily give the necessary 30 days' notice to the Commission and the public by making the effective date 31 or 32 days after the date of issue, which would give it time to post at all the stations on its line from which the tariff was applicable; but it could not possibly print the issue and send the necessary supply to the tariff departments of the carriers' interested, for redistribution to points of destination, and have it on file at such destinations within the required 30 days. Therefore, if failure to have such tariff posted at destinations within the required period was considered as rendering the destination carrier liable for penalties, it would be necessary for the originating and publishing carrier to grant fifteen or twenty days' more time, although the tariff could be filed with the Commission and posted at points of origin within an extra two days and thus serve the purpose of the law, as well as give the shipper the benefit of a necessary rate within the shortest possible space of time.

This illustrates that the observance of this provision could only result in extension of the time in which rates may be changed from 30 to perhaps 60 days, not only in conflict with the law which permits a change on 30 days' notice, but to the disadvantage of both the carriers and the shipping public, and finally result in the curtailment, to some extent, of the publication of joint through rates.

In short, the carriers were strongly of the opinion that

the law did not require posting of tariffs at destination, and, that by posting tariffs at point of origin, the full intent of the law was complied with and the interests of the commercial public fully protected.

Still another objectionable feature of the order was the provision requiring the filing, at each station, of all tariffs issued by the carrier from or to every other point on the lines of such carrier.

The carriers could see no useful purpose in this and it was their opinion that it would only result in confusion and disorder.

Another and vital point was the additional expense to which the carriers would be subjected by the enforcement of this order, in the way of larger supplies of tariffs with additional cost, increased cost of distribution and enlarged station force, to take care of the additional tariffs.

The carriers therefore petitioned the Commission (upon suggestion received from that body) that the order of June 10, 1907, be suspended and that the question of posting tariffs be set for general hearing. Such hearing was held in October, 1907, and resulted in an order by the Commission, dated June 2, 1908, the principal requirements of which are as follows:

(1) The carriers must post at each station all tariffs naming rates from that station, and all tariffs which provide for terminal or other charges at that station. Such tariffs to be posted so as to allow full statutory notice, or such other notice as the Commission may authorize.

(2) The agent or representative at each station shall be provided with facilities for keeping such file of tariffs in ready reference order and be required to keep such tariffs in complete and readily accessible form.

(3) This representative shall lend assistance to seekers for information from such tariffs.

(4) Index of current I. C. C. issues of such carrier shall be kept on file at each station.

(5) The carrier is required to keep posted in two conspicuous places in every station, waiting room, warehouse, or office, at which schedules are so placed in custody of agent or other representative, notice printed in large type reading as follows:

(A) Complete public file (or files) of this company's tariffs is (are) located at . . . . ., in the city of . . . . . (or the cities of . . . . . and . . . . .). The rate and fare schedules applying from or at this station and indices of this company's tariffs are on file in this office, and may be inspected by any person upon application and without the assignment of any reason for such desire.

The agent or other employe on duty in the office will lend any assistance desired in securing information from or in interpreting such schedules.

The main concessions were:

(1) The carriers are only required to post at their stations those tariffs which name rates from such stations and which contain terminal or other charges applicable at such stations.

(2) The carriers are not required to post at their stations tariffs naming inbound rates, but complete files of such tariffs must be maintained at points specified in the order.

(3) The carriers are not required to post two copies of tariffs at each station.

Following this, on June 7, 1915, the Commission called attention to the fact that no uniform or adequate plan had been adopted and followed by the carriers, under which the date upon which a given tariff or supplement to a tariff was received for posting, and therefore ordered that every carrier subject to the provisions of the Act should require



its agent or other representative at every station, warehouse, or office at which tariffs are required to be posted, upon receipt of a tariff or supplement to a tariff for filing and posting at that station, to immediately write or stamp upon the title page of such publication, the date upon which it was received by such agent or other representative and to keep and preserve a separate record, by I. C. C. numbers and supplement numbers, of the receipt of each tariff or supplement to a tariff showing the date received and the date posted.

The orders of June 2, 1908, and June 7, 1915, were consolidated into one order effective December 15, 1915, and while the latter made a few slight changes it is in substance comparable with the former orders, and, being the current order, is quoted in full:

**At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of October, A. D. 1915.**

**IN THE MATTER OF MODIFICATION OF THE PROVISIONS OF SECTION SIX OF THE ACT WITH REGARD TO POSTING FREIGHT OR PASSENGER TARIFFS AT STATIONS.**

Under the authority conferred upon the Commission by Section 6 of the act, to modify its requirements as to publishing, posting, and filing of tariffs, the Commission issues the following order in connection with which it must be understood that each carrier has the option of availing itself of this modification of the requirements of Section 6 of the act or by complying literally with the terms of the act. If such modification is accepted by a carrier it must be understood that misuse of the privileges therein extended will result in cancellation of the privileges as to that carrier. It should also be understood that in so modifying the requirements of the act, the Commission

expects a continuation by carriers of the practice of furnishing tariffs to the public, without unjust discrimination.

Every carrier subject to the provisions of the act to regulate commerce which files freight or passenger tariffs shall place in the hands and custody of its agent or other representative at every station, warehouse or office at which passengers or freight are received for transportation, and at which a station agent or freight agent or a ticket agent is employed, all of the rate and fare schedules which contain rates and fares applying from that station, or terminal or other charges applicable at that station, including the schedules issued by that carrier or by its authorized agent and those in which it has concurred, excepting only publications showing the marked capacities, lengths, dimensions and cubical capacities of cars, as required by the Commission's order of January 9, 1912. Such agent or representative shall also be provided with all changes in cancellations of, additions to, and reissues of such publications in ample time to thus give to the public, in every case, the 30 days' notice required by the act or such other notice as may be authorized by the Commission in special cases.

Each of such carriers shall require its agent or other representative at every station, warehouse, or office at which tariffs are required to be posted upon receipt of a tariff or supplement to a tariff for filing and posting at that station to immediately write or stamp upon the title page of such publication the date upon which it was received by such agent or other representative and to keep and preserve a separate record, by I. C. C. numbers and supplement numbers, of the receipt of each tariff or supplement to a tariff showing the date received and the date posted.

Such agent or representative shall be provided with facilities for keeping such file of schedules in ready refer-

ence order and be required to keep said files in complete and readily accessible form. He shall also be instructed and required to give any information contained in such schedules, to lend assistance to seekers for information therefrom, and to accord inquirers opportunity to examine any of said schedules without requiring or requesting the inquirer to assign any reason for such desire and with all the promptness possible and consistent with proper performance of the other duties devolving upon him.

Each of such carriers shall also provide and each of such agents or representatives shall also keep on file copies of the current I. C. C. issues of the indices of the tariffs of that carrier.

Each of such carriers shall also provide, either in its indices of tariffs (provided for in Rules 11 and 39 of Commission's tariff regulations, Tariff Circular 18-A or reissues thereof) or in separate publications, which must be kept up to date, be given I. C. C. numbers, and be filed with the Commission, a list of the tariffs that are to be found in the files at each of its several stations or offices. If this information is included in the index of tariffs required by Tariff Circular 18-A, such index must also contain an alphabetical list of the stations. Such publications shall be kept on file and be open to inspection at each of such several stations or offices as hereinbefore provided. They must be of size 8 by 11 inches, be printed, and be arranged under a system of station numbers and alphabetical list of stations.

Each of such carriers shall require its traveling auditors to check up each station's or office's file of tariffs at least once in each six months unless it employs one or more traveling tariff inspectors who make such inspections and checks.

Each of such carriers whose lines reach any of the cities

in the following list, either over its own rails or by trackage rights or by boat line or by ferry, shall provide and maintain at each of said cities so reached by it and at such additional points as may from time to time be designated by the Commission complete files of all the freight-tariff publications which it issues or is a party to and all of the passenger-fare tariffs as to which it is an initial carrier and each of its excursion-fare tariffs which covers a period exceeding 30 days, together with the indices of same, as hereinbefore required:

Alabama, Montgomery.	Montana, Helena.
Arkansas, Little Rock.	Nebraska, Omaha.
California, San Francisco.	New York, New York.
Los Angeles.	Buffalo.
Colorado, Denver.	North Carolina, Charlotte.
Connecticut, Hartford.	Ohio, Cincinnati.
Florida, Jacksonville.	Cleveland.
Georgia, Atlanta.	Oklahoma, Oklahoma City.
Illinois, Chicago.	Oregon, Portland.
Springfield.	Pennsylvania, Philadelphia.
Indiana, Indianapolis.	Pittsburgh.
Iowa, Des Moines.	South Carolina, Columbia.
Kansas, Wichita.	South Dakota, Sioux Falls.
Louisiana, New Orleans.	Tennessee, Memphis.
Maine, Portland.	Chattanooga.
Maryland, Baltimore.	Texas, Fort Worth.
Massachusetts, Boston.	Houston.
Worcester.	Utah, Salt Lake City.
Michigan, Detroit.	Virginia, Richmond.
Minnesota, St. Paul.	Washington, Seattle.
Minneapolis.	Wisconsin, Milwaukee.
Mississippi, Jackson.	
Missouri, St. Louis.	
Kansas City.	

except that the Atchison, Topeka & Santa Fe Railway Company be permitted to establish and maintain a public file of tariffs at Topeka, Kan., instead of Wichita, Kan.; that the Texas & Pacific Railway Company be permitted to establish and maintain a public file of tariffs at Dallas, Tex., instead of Fort Worth, Tex., and that the Gulf, Colorado & Santa Fe Railway Company be permitted to establish and maintain a public file of tariffs at Galveston, Tex., instead of Houston, Tex.

Each of such files shall be in charge of an employe of the carrier, who will give information and assistance to those who may wish to consult such file, and each such file shall be kept open and accessible to the public during ordinary business hours and on business days.

Each of such carriers whose lines do not so reach any of the above-named cities shall also provide at at least one point on its line a complete file of the tariffs which it issues or is a party to, together with indices of same as hereinbefore required: *Provided*, That the South Manchester Railroad Company be authorized to establish and maintain a complete public file of tariffs at Hartford, Conn.; the Wood River Branch Railroad Company be authorized to establish and maintain a complete public file of tariffs at Boston, Mass., and the Pittsburgh, Chartiers & Youghio-gheny Railway Company be authorized to establish and maintain a complete public file of tariffs at Pittsburgh, Pa., instead of at any point on the lines of these carriers: *Provided*, further, That, if a subsidiary or small connecting line has authorized the parent company, or principal connecting line, to publish and file for it all of its tariffs, tariffs so issued and filed on its behalf will be included in the complete public tariff files of the parent or issuing line, and it will not be necessary for such subsidiary or small line to maintain an additional complete public file.

Each of such files shall be in charge of an employe of the



carrier, who will give desired information and assistance to those who may wish to consult such file, and each such file shall be kept open and accessible to the public during ordinary business hours and on business days.

Each of such carriers shall also provide and cause to be posted and kept posted in two conspicuous places in every station waiting room, warehouse, or office at which schedules are so placed in custody of agent or other representatives notices printed in large type and reading as follows:

“(A) Complete public file (or files) of this company’s tariffs is (are) located at . . . . ., in the city of . . . . . (or the cities of . . . . . and . . . . .). The rate and fare schedules applying from or at this station and indices of this company’s tariffs are on file in this office, and may be inspected by any person upon application and without the assignment of any reason for such desire.

“The agent or other employe on duty in the office will lend any assistance desired in securing information from or in interpreting such schedules.”

At exclusive freight stations or warehouses and at exclusive passenger stations or offices carriers may, under this order, place and keep on file only the freight or passenger schedules, respectively, and in such cases the posted notices may be varied to read:

“The freight rate (or passenger fare) schedules applying from or at (or from) this station and index of this company’s freight (or passenger) tariffs are on file in this office, etc.”

This order is effective December 1, 1915, and cancels order of June 2, 1908, and orders subsequently entered modifying, amending or supplementing same.

By the Commission.

[Seal.]

GEORGE B. McGINTY,  
Secretary.



In cases of change of ownership or control of a carrier subject to the act, or when a road or a part of a road is transferred from the operating control of one company to that of another, or when its name is changed, the carrier thereafter operating the road, if it intends to use the tariff publications and rates of the former operating company, must post the following adoption notice under I. C. C. number:

"The . . . . . (name of carrier) . . . . . hereby adopts, ratifies, and makes its own in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the . . . . . (name of old carrier) . . . . . prior to . . . . . (date) the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which have been heretofore filed with said Commission."

This notice may be filed and made effective on immediate notice.

A receiver of a carrier subject to the act must, as soon as possible, i. e., when assuming possession and control of the carrier's lines, post and file a similar notice of adoption.

If a subsidiary or small connecting line has authorized the parent company or principal connecting line to publish and file for it all of its tariffs, tariffs so issued and filed on its behalf will be included in the complete public tariff files of the parent or issuing line, and it is not necessary for such subsidiary or small line to maintain an additional complete public file.

It is interesting to note the application which has been made by the Commission and the courts of the several

rules governing the posting of tariffs which we have just been considering.

At one time it was contended that, inasmuch as the Act to Regulate Commerce itself required a tariff to be posted in "two public and conspicuous places in every depot, waiting room," etc., failure to so post a tariff rendered such a tariff illegal and of no effect, even though in all other respects it complied with the law and was duly on file with the Commission. The order of the Commission of June 2, 1908, however, was, in a measure, a modification of the statutory requirements which the Commission is empowered by the act to make.

An early ruling of the Commission was that the granting of authority to issue tariffs under power of attorney, or concurrence, did not relieve the carrier conferring the authority from the necessity of complying with the law with regard to posting tariffs, and that it was proper for the carrier to use tariffs published under its authority for that purpose.

The question of the legal effect of the failure on the part of a carrier subject to the Act to Regulate Commerce to post its tariff or tariffs, was taken before the Supreme Court of the United States, and in the course of its opinion the court said:

"The assumption, it is insisted, is authorized because, it is asserted, the conclusion that the schedule of rates became legally operative was not justified by the finding that such schedule had been filed with the Interstate Commerce Commission and copies thereof furnished to the freight officers of the railroad company at Cisco and other points. The contention is without merit. The filing of the schedule with the Commission and the furnishing by the railroad company of copies to its freight office, incontrovertibly evidenced that the tariff of rates contained

in the schedule had been published and put in force as mentioned in the first sentence of the section, and the railroad company could not have been heard to assert to the contrary.

“The requirement that schedules should be ‘posted in two public and conspicuous places in every depot,’ etc., was not made a condition precedent to the establishment and putting in force of the tariff of rates, but was a provision based upon the existence of an established rate, and plainly had for its object the affording of special facilities to the public for ascertaining the rates actually in force. To hold that the clause had the far reaching effect claimed, would be to say that it was the intention of Congress that the negligent posting by an employee of but one instead of two copies of the schedule, or the neglect to post either, would operate to cancel previously established schedules—a conclusion impossible of acceptance. While Section 6 forbade an increase or reduction of rates, etc., ‘which have been established and published as aforesaid,’ otherwise than as provided in the section, *we think* the publication referred to was that which caused the rates to become operative; and this deduction is fortified by the terms of Section 10 of the Act making it a criminal offense for a common carrier or its agent or a shipper or his employee improperly ‘to obtain transportation for property at less than the regular rates then established and in force on the line of transportation of such common carrier.’ ”

In this case the court did not pass upon the right of the shipper to recover damages suffered by reason of such omission to post a tariff, as that particular question was not before the court.

The courts have established original jurisdiction over cases of damages arising out of failure properly to post current tariffs by the carrier, in the Interstate Commerce

Commission, and its attitude may be aptly expressed in the rule "no damage when the rate actually in effect is reasonable." In other words, the failure to post is not made a condition precedent to either the legality of the rate or the right of the shipper for damages. But the redress of the shipper is that of an attack upon the reasonableness of the rate in effect.

The controlling court decision on this question is that of the United States Supreme Court handed down in the case of Illinois Central R. R. Co., etc., vs. Henderson Elevator Company, No. 105—October term, 1912, decided January 6, 1913. In this case the Henderson Elevator Company brought action to recover damages from the railroad company, because of a loss alleged to have been sustained by an erroneous quotation by the agent of the railroad company of the freight rate on corn shipped in interstate commerce from the station of the railroad company at Henderson, Ky. A rate of 10 cents per 100 pounds was quoted by the agent, when, in fact, the rate as fixed by the published tariff on file with the Interstate Commerce Commission, and effective at the time, was 13½ cents per 100 pounds. At the original trial, which was before a jury, the court instructed that if the loss sustained by the plaintiff "was occasioned and brought about by defendant's failure to have posted or on file in its office in Henderson, Ky., its freight tariff rate in question, and by reason of any erroneous quotation of defendant of its freight rate from and to the points in question, of which plaintiff complains, . . ." there should be a verdict for the plaintiff (shipper). A verdict having been rendered for the plaintiff in accordance with this instruction, and the judgment entered thereon having been subsequently affirmed by the Court of Appeals in Kentucky (138 Ky. 220), a further appeal was made to the Supreme Court of the United

States, and that court, in a memorandum opinion by Chief Justice White, held:

"It is to us clear that the action of the court below in affirming the judgment of the trial court and the reasons upon which that action was based, were in conflict with the rulings of this court interpreting and applying the Act to Regulate Commerce. *N. Y. C. R. R. vs. U. S.* (No. 2), 212 U. S. 504; *T. & P. R. R. Co. vs. Mugg*, 202 U. S. 242; *Gulf R. R. Co. vs. Hefley*, 158 U. S. 98. That the failure to post does not prevent the case from being controlled by the cases referred to is now beyond question. *Kan. City So. R. R. Co. vs. Albers Comm. Co.*, 223 U. S. 594 (a)."

In the case of *United States vs. Miller*, 223 U. S. 599, the Supreme Court of the United States had before it the question of whether compliance with the requirements of the Act to Regulate Commerce in respect to the posting of tariffs in depots, stations, or offices of the carrier, is essential to make a tariff lawfully effective. The court said:

"It is the contention of the defendants that a tariff is not published in the sense in which the Act uses that term, unless printed copies are 'kept posted in two public and conspicuous places in every depot,' etc., and it was this contention that prevailed in the circuit court. But, in our opinion, it is not sound. Publications and posting in the sense of the Act, are essentially distinct. This is the import of the provision that the requirements relating to 'publishing, posting and filing' may be modified by the Commission in special circumstances, for if publishing included posting, mention of the latter was unnecessary. And from all the provisions on the subject, it is evident that the publication intended consists in promulgating and distributing the tariff in printed form preparatory to put-



ting it into effect, while the posting is a continuing act enjoined upon the carrier while the tariff remains operative, as a means of affording special facilities to the public for ascertaining the rates in force thereunder. In other words, publication is a step in establishing rates, while posting is a duty arising out of the fact that they have been established. Obviously, therefore, posting is not a condition to making a tariff legally operative, neither is it a condition to the continued existence of a tariff once legally established. If it were, the inadvertence or mischievous destruction or removal of one of the posted copies from a depot would disestablish or suspend the rates, a result which evidently is not intended by the act, for it provides that rates once lawfully established shall not be changed otherwise than in the mode prescribed.

"Like views of the posting clause were expressed in *Texas & Pacific Ry. Co. vs. Cisco Oil Mill*, 204 U. S. 449, and upon further consideration we see no reason for departing from them. See also *K. C. So. Ry. Co. vs. Albers Commission Company*, 223 U. S. 594, 573.

"Whether, by failure to comply with that clause, a carrier becomes subject to a penalty, is apart from the present case and need not be considered."

These authorities control the Commission in their interpretation of the posting clause, and its effect upon the legally established rates. In *Franke Grain Co. vs. Illinois Central R. R. Co., et al.*, Opinion No. 2387, 27 I. C. C. Rep. 625, the Commission followed the *Henderson* and other cases cited above, and held that the shipper could not recover damages on account of the failure of the carrier to have the proper tariff posted at its stations, and that inasmuch as the rate actually in effect was not unreasonable, the complaint of the shipper must be dismissed.

The facts in the case were these: The Minneapolis,



St. Paul & Sault Ste. Marie Ry. Company published, October 1, 1910, an index of tariffs, circulars, etc., showing Illinois Central Tariff, I. C. C. No. A-5735, to be still in effect. The tariff had, however, been cancelled December 8, 1907. On applying to the agent of the Minneapolis, St. Paul & Sault Ste. Marie Ry. Company, at Milwaukee, Wis., the shipper was shown the company's circular above mentioned and also the Illinois Central tariff, which showed a rate of 14.75 cents per 100 pounds from Otto and Onawa, Iowa, to Honey Creek, Wis. Relying upon the information thus obtained, the shipper purchased and shipped one carload of corn from Otto and two from Onawa to Honey Creek, on which rates of 21.75 cents and 20 cents, respectively, were applied; and the claim made was for the difference between these rates and the erroneously quoted 14.75-cent rate.

The tariff situation involved grew out of the following facts: The shipment moved over a route made up of the Illinois Central Railroad to Chicago and the Soo Line from Chicago to Honey Creek, Wis. The Soo Line never was a party to the Illinois Central Tariff I. C. C. No. A-5735, which was a joint tariff naming rates from points on the Illinois Central Railroad to points on its connections, among which was the Wisconsin Central Railroad. When the tariff in question was cancelled, December 8, 1907, the cancelling supplement was not furnished to the Soo Line, although the latter line had become the operating owner of the Wisconsin Central Railroad. Coincident with its acquiring possession of the Wisconsin Central, the Soo Line filed proper adoption notice under the rules of the Commission of all tariffs and concurrences issued or granted by the Wisconsin Central.

Through its erroneous knowledge of the effectiveness of the tariff, A-5735, the Soo Line was inadvertently the

cause of the shipper making shipments which resulted in financial loss.

This is an exceptional case and was probably due to confusion resulting from consolidation of files of the Wisconsin Central and Soo Line, but is referred to simply to show that the Commission will not, even in exceptional cases, countenance the deviation from tariffs lawfully filed with that body, even though the filing requirements have not been complied with.



CHAPTER IV.  
LONG AND SHORT HAUL.



## CHAPTER IV.

### LONG AND SHORT HAUL.

This volume deals particularly with Section 6 of the act relating to the publication, posting and filing of tariffs, but it is important that some reference be made, at this time, to the amended fourth section, which is one of the important features of the act and bears directly on the problem of tariff publication.

The amended fourth section, commonly known as the long and short haul provision, makes it unlawful for common carriers to charge or receive a greater compensation for the transportation of traffic for a shorter than for a longer distance over the same line or route in the same direction, unless protected by proper authority from the Interstate Commerce Commission.

The original law of April 5, 1887, also contained a long and short haul clause, which the carriers attempted to observe by including in their tariffs a so-called intermediate clause reading substantially as follows:

“Higher rates will not be charged for a shorter than for a longer distance over the same line in the same direction, the shorter being wholly included in the longer distance.”

This continued until sometime in the early nineties, when the carriers, by reason of rapidly changing commercial conditions, began to get away from the long and short haul provision by meeting rates published by direct



lines between common points, without reducing rates to or from the intermediate points to the same extent. This practice served to the advantage of the commercial public as well as the carriers, by reason of the effect it had of increasing facilities and broadening the scope of terminal deliveries, making it much more satisfactory, in some cases, for shippers to use the circuitous route. Consequently commerce rapidly adjusted itself to the use of all available routes, both direct and indirect. This condition confronted the Commission upon the advent of the amendment to the act of June 18, 1910.

A portion of the amended fourth section reads as follows:

"No rates or charges lawfully existing at the time of passage of this amendatory act shall be required to be changed by reason of the provisions of this section prior to the expiration of six months after the passage of this act, nor in any case where application shall have been filed before the Commission in accordance with the provisions of this section, until a determination of such application by the Commission."

This, it will be noted, made it obligatory on the part of the carriers to overcome the violations of this section by reducing rates to or from intermediate points, retire from business at the competitive point which created such violation, or file with the Commission an application for relief from the provisions of the fourth section.

The Commission ordered the railroads to file petitions for such relief and set February 17, 1911, as the final date on which such petitions should be filed.

The carriers complied with the order and the Commission was flooded with several thousand petitions, but pending action on such applications, and in view of the wording of the law, the carriers were undecided as to their

status in regard to changing rates in tariffs involved, the result being that the publication of rates came practically to a stand still, which caused considerable complaint on the part of the shipping public. It was therefore apparent that the carriers must have some relief as the Commission could not possibly complete the stupendous task of investigating and deciding all the petitions with the degree of promptness necessary to avoid interference with the free movement of traffic. Therefore, in order to enable the carriers to publish such rates as were necessary in the ordinary course of business, the Commission issued a number of so-called fourth section orders, which were later consolidated into one order known as Fourth Section order No. 3700, General order No. 13, dated February 3, 1914, reading as follows:

“In the matter of permitting ordinary changes in rates pending action upon applications for relief from the provisions of the Fourth Section of the Act to Regulate Commerce as amended June 18, 1910.

“The Commission being of the opinion that the convenience of the carriers, the public, and the Commission will be better served by assembling in one general fourth section order, divided into numbered sections for convenient tariff reference, the general fourth section orders known as Fourth Section Order No. 100, General No. 2; Fourth Section Order No. 485, General No. 9; Fourth Section Order No. 839, General No. 11; and Fourth Section Order No. 2200, General No. 12, and experience having suggested certain modifications in the descriptions of conditions under which relief has been afforded by these orders, and certain additional situations as to which carriers may be relieved from the operation of said section, therefore,

*"It is ordered,* That Fourth Section Order No. 100, General No. 2; Fourth Section Order No. 485, General No. 9; Fourth Section Order No. 839, General No. 11; and Fourth Section Order No. 2200, General No. 12, be and the same are hereby vacated and set aside as of March 15, 1914.

*"It is further ordered,* That effective March 15, 1914, as to and confined in all cases to rates and fares which are included in and covered by applications for relief from the provisions of the fourth section, of the Act to Regulate Commerce, that were filed with the Commission on or before February 17, 1911, and until the applications including and covering such rates or fares have been passed on by the Commission, carriers may file with the Commission in the manner and form prescribed by law and by the Commission's regulations, such changes in rates and fares as occur in the ordinary course of their business, continuing higher rates or fares at intermediate points, and through rates or fares higher than the combinations of intermediate rates or fares, provided that in so doing the discrimination against intermediate points is not thereby increased.

*"It is further ordered,* That as to and confined in all cases to rates which are included in and covered by applications as above described, carriers may file with the Commission, in the manner and form prescribed by law and by the Commission's regulations, changes in rates under the following conditions, although the discrimination against intermediate points is thereby increased:

"Sect. 1. A through rate which is in excess of the aggregate of the intermediate rates lawfully published and filed with the Commission may be reduced to equal the sum of the intermediate rates.

"Sect. 2. Where a through rate has been, or is hereafter, reduced under the authority of section 1 of this order, carriers maintaining through rates via other routes

between the same points may meet the rate so made by the route initiating the reduction.

"Sect. 3. Where a reduction is made in the rate between two points under the authority of section 1 of this order, such reduction may extend to all points in the group which take the same rate as does the point from or to which the rate has been reduced.

"Sect. 4. Where through rates are in effect which exceed the lowest combination of rates lawfully published and filed with the Commission, carriers may correct said through rates by reducing the same to equal such lowest combination.

"Sect. 5. A longer line or route may reduce the rate in effect between the same points or groups of points to meet the rates of a shorter line or route when the present rates via either line do not conform to the fourth section of the Act, under the following circumstances:

"(a) Where the longer line is meeting a reduction in rates initiated by the shorter line.

"(b) Where the longer line has not at any time heretofore met the rates of the shorter line.

"Sect. 6. A newly constructed line publishing rates from and to its junction points under the authority contained in paragraph (b) of section 5, may establish from and to its local stations rates in harmony with those established from and to junction points.

"Sect. 7. Carriers whose rates between certain points do not conform to the fourth section of the Act, which rates have been made lower than rates at intermediate points to meet the competition of water or rail-and-water carriers between the same points, may make such further reductions in rates as may be required to continue to effectively meet the competition of rail-and-water or all-water lines.

"Sect. 8. Where rates are in effect from or to a point that are lower than rates effective from or to intermediate points, carriers may extend the application of such rates to, or establish rates made with relation thereto at, points on the same line adjacent or in close proximity thereto, provided that no higher rates are maintained from and to points intermediate to the former point and the new point to which the application of the same or relative rates has been extended.

"Sect. 9. Where there is a rate on a commodity from or to one or more points in an established group of points from and to which rates are ordinarily the same, but the rate on the said commodity does not apply at all points in the said group, such rate may be made applicable to or from all of such other points.

"Sect. 10. Where there is a definite and fixed relation between the rates from and to adjacent or contiguous groups of points, and the rates to or from one of said groups are changed, corresponding changes may be made in the rates of the other groups to preserve such relation.

"Sect. 11. In cases where no through rates are in effect via the various routes or gateways between two points, and the combination of lawfully published and filed rates via one gateway makes less than the combination via any of the gateways, a through rate may be established on the basis of the combination via the gateway over which the lowest combination can be made, and made applicable via all gateways.

"Sect. 12. In cases where through rates are in effect between two points, via one or more routes or gateways, which are higher than the combination of lawfully published and filed rates via one of these gateways, different carload minima being used on opposite sides of the gateway, a through rate may be established equal to the lowest



combination of lawfully published and filed rates, using the higher of the carload minima but continuing the present higher through rate if based upon a lower carload minimum.

"The Commission does not hereby approve any rate that may be filed under this authority, all such rates being subject to complaint, investigation, and correction if in conflict with any provision of the Act.

*"And it is further ordered,* That when the Commission passes upon any application for relief from the provisions of the fourth section with respect to the rates referred to herein, the order issued with relation thereto will automatically cancel the authority herein granted as to the rates covered and affected by such order.

"By the Commission.

[Seal.]

"GEORGE B. MCGINTY,

"Secretary."

In addition to the General fourth Section orders referred to the Commission have provided Rule 77 of Tariff Circular 18-H (see Appendix). The principal purpose of this rule is to give the carriers relief in cases where rates are published from known points of production to known points of consumption, no necessity existing for application of such rates from or to intermediate points, thus avoiding the posting of tariffs at a large number of intermediate points from which no shipments are likely to move.





## CHAPTER V.

### SPECIFICATIONS GOVERNING CONTENTS OF FREIGHT TARIFFS.

- § 1. Joint Agents' Authority and Duties.
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  - (2) Form of Publication.
- § 2. Tariffs Issued and Filed by Legally Constituted Agent.
- § 3. Appointment of Joint Tariff Agent.
- § 4. Revocation of Agent's Authority.
- § 5. Regulations Governing the Appointment of Tariff Agent.
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- § 8. Agents Issuing and Filing Class Rate Tariffs.
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- § 13. Furnishing of Copies of Tariffs by Agents to All Participating Carriers.
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## CHAPTER V.

### SPECIFICATIONS GOVERNING CONTENTS OF FREIGHT TARIFFS.

#### § 1. Joint Agents' Authority and Duties.

What must be published in tariffs and filed by the carriers is largely to be determined from the Act. The language of the statute requires not only the publication of the local rates of the carrier subject to the Act and the joint rates from points on its line to points on the line of another carrier, but that the carrier's schedules must contain the classification of freight in force, "and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and any rules or regulations which in any wise change, effect, or determine any part or the aggregate of . . . . . rates, fares, and charges, or the value of the service rendered to the passenger, shipper or consignee." The theory of the regulation of interstate transportation is that the carrier must be compensated for every service it renders, and that all its charges, and all rules and regulations which in any wise determine any part or the whole of any of its charges, must be published so that the carrier's patrons, the shippers, may all know in advance of shipment what the charges are and employ the transportation service on a basis of equity. The language of the Act above quoted is

thus made sufficiently comprehensive to be consistent with this theory.

**(1) Character of Schedules.** Thus, the carrier must publish, either itself or through some lawfully constituted agent, schedules embracing the following things:

I. The classification of freight which governs its tariffs of rates and charges.

II. Exceptions to such classification of freight which may govern the application of any of its tariffs of rates and charges.

III. Rules, regulations, and practices, in any wise affecting the classification of freight, or the exceptions thereto, which govern the application of its tariffs of rates and charges.

IV. Rates between points on its own line or route. This refers to what are commonly termed its "local class rates" and "local commodity rates."

V. Switching charges or rates.

VI. Terminal charges.

VII. Drayage or cartage charges.

VIII. Loading and unloading charges.

IX. Refrigeration and icing charges, including re-icing in transit.

X. Storage charges.

XI. Elevation charges.

XII. Demurrage and car-service charges.

XIII. Reconsignment charges.

XIV. Diversion charges.

XV. Stoppage-in-transit charges and privileges.

XVI. All rules, regulations, and practices which in any wise alter, change, or determine any part or the aggregate of any of its rates or charges.

XVII. Rates from points on its line to points on the line of another carrier, either by pipe line, railroad, or partly by railroad and partly by water when a joint rate has been established.

XVIII. Allowances made to shippers.

XIX. Proportional rates, local and joint, from points on its line.

XX. Inland portion of export and import rates between ports of entry or transshipment and origins and destinations in the United States.

XXI. Joint rates on export and import traffic, when same are established between the inland carrier and the foreign carrier.

XXII. Local or joint rates from a point in the United States on traffic passing through a foreign country destined to a point in the United States.

(2) **Form of Publication.** The Interstate Commerce Commission has taken a most commendable position with respect to the form of rate publication—i. e., that it is the duty of the carrier under the Act to comply precisely with the requirements of the statute respecting the publication of rates and the contents of schedules, to the end that the shippers may readily and accurately determine the rates and conditions governing their application.

The Commission condemns complication, intricacy, and involution in tariffs. It is their attitude that the schedules of the carriers should be simple in arrangement, ample in disclosure of their purpose, and free from ambiguity, so that a person of ordinary comprehension, can interpret and understand them. The rule, therefore, is well established that the rates of interstate carriers must be published in affirmative and definite form and free from uncertainty and ambiguity.



## § 2. Tariffs Issued and Filed by Legally Constituted Agent.

The precise requirement of the sixth section of the Act with respect to the filing of tariffs with the Interstate Commerce Commission is that "every common carrier subject to the provisions of this Act shall file with the Commission created by this Act . . . schedules showing all the rates, fares, and charges for transportation between points on its own route and points on the route of any other carrier by railroad, . . ." and vests in the Commission power to "modify the requirements of the section in respect to publishing, posting, and filing of tariffs." It further provides as to joint tariffs that "the names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties."

In amplification of the Commission power over the publication and filing of the tariff, the Act further provides that "the Commission may determine and prescribe the form in which the schedules required by this section . . . shall be prepared and arranged and may change the form from time to time as shall be found expedient."

As an essential feature of the publication of rates of carriers promulgated under agreements which have for their purpose the territorial distinction of related rates, the Commission has, in the exercise of its discretionary powers under section 6, recognized and provided for the issuance of a tariff of joint rates (and sometimes containing purely

local rates) by a legally constituted agent of all the carriers parties to such tariff, and in their regulations governing such agency tariffs, the Commission has established certain specifications with respect to the appointment of such agent and the exercise of his powers.

Upon appointment and authorization of such an agent, the carrier or carriers for whom he acts, must file with the Commission at Washington an official notice of such authorization and of acceptance of the responsibility for the agent's acts. This form of notice, prescribed by the Commission under the symbolic designation of "FX1," is as follows:

"To Be Filed with the Interstate Commerce Commission.  
(Name of Carrier in full.)

Date....., ....

Form FX1.... No....

Know all men by these presents:

That the..... (name of carrier) has made, constituted, and appointed, and by these presents does make, constitute, and appoint.....(name of person appointed) its true and lawful attorney and agent for the said company and in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of common carriers by the Act to Regulate Commerce and by regulations established by the Interstate Commerce Commission thereunder for the period of time the traffic and the territory now herein named:

.....  
.....

And the said.....(name of carrier) does hereby give and grant unto its said attorney and agent full

power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company, hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its..... president and to be duly attested under its corporate seal by its secretary, at....., in the State of....., on this.....day of....., in the year of our Lord nineteen hundred and.....

(The name of the carrier)

By.....,

Its.....President.

Attest:

.....,

Secretary.

(Corporate Seal.)”

The original of this power of attorney is filed with the Commission and a copy thereof is furnished to the agent to whom the power of attorney is given. Separate authorizations must be executed and given for freight and passenger tariffs. The form just quoted is for freight tariff agents, the letter “F” being symbolic of that class of tariffs. The same form for passenger tariffs would be designated as “FX1.”

The form just reproduced is used in giving authority to an agent to file for the carrier giving the authority tariffs and supplements thereto. Such authority can not be given to an association or bureau, and it may not contain authority to delegate to another power thereby conferred.

The form may be modified so as to confer the authority desired by omitting the words "(1) for it alone, and (2)," or by omitting the words "and (2) for it jointly with other carriers." Thus, if two or more carriers execute this form containing the words "for it jointly with other carriers" in favor of a joint agent, it is not necessary for those carriers to exchange concurrences with each other as to the joint tariffs issued by that joint agent under that authority.

The form should be printed on paper 8 by 10½ inches, in size, and after the words, "Form FX1.... No....," the forms as used should be shown in numerical sequence, thus—FX1.... No. 1, FX1.... No. 2, etc.

Experience has demonstrated that it is simpler and better to use concurrence than power of attorney, in giving authority to a carrier to publish and file another carrier's rates, and provision has, therefore, been eliminated for giving power of attorney to another carrier, except for the purpose of granting authority to give and receive concurrences.

This provision, however, does not invalidate or change the terms or effect of any power of attorney now on file with the Interstate Commerce Commission.

If an agent who issues and files tariffs under powers of attorney is succeeded by another agent, it becomes necessary to file notice of transfer of such authority; also the powers of attorney to the former agent must be cancelled simultaneously with the filing of new powers of attorney in favor of the new agent.

In the case of such transfers, it is necessary for consolidated forms of concurrence, FX6, FX7 and FX8, in favor of carriers for which the former agent acted, to be replaced by new consolidated forms, running to the principals of the new agent. If the same principals which appointed the former agent will be served by the new agent, without

change, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent, by issuing and filing for each of such concurrences, a transfer notice stating that the concurrence naming the former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

The form of this transfer notice is as follows:

(Name of carrier in full.)  
 General Freight Department.  
 Transfer Notice to FX....., No. ....  
 ....., 191..

To the Interstate Commerce Commission,  
 Washington, D. C.

Effective....., 191.., this company's concurrence, form FX....., No. ...., naming.....  
 (name of former agent) as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by  
 .....(name of new agent).

(Name of carrier in full.)

.....

By.....(Sig.)

.....(Title.)

This form must be written or typewritten on paper 8 by 10½ inches in size, signed by proper traffic officer of the issuing company, and be filed with the Interstate Commerce Commission not later than the date effective provided therein. It must not bear any serial number other than that of the concurrence form to which it applies.

If changes occur in the list of carriers for which the new agent will act, cancellation of concurrences naming former



agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore.

The following is a list of legally constituted tariff issuing agents in the United States, but it must be understood that this list of names is subject to change without notice:

Allan, W. P., Pacific Northwest Demurrage Bureau, Seattle, Wash.

Allen, S. A., Central States Desp., Continental Line, Cincinnati, Ohio.

Anderson, Frank, Memphis Freight Bureau, Memphis, Tenn.

Anderson, J. C., Agent, Michigan Central (Ontario Central Despatch), New York.

Arnold, H. E., Rutland-Michigan Central, Lowell, Mass.

Barr, J. F., Indianapolis Freight Committee, Indianapolis, Ind.

Beck, T. Clem, Agent, Lake Shore-Lehigh Valley, New York City.

Behrman, M., New Orleans Public Belt & R. R. Co., New Orleans, La.

Bell, C. E., Virginia Classification, Atlanta, Ga.

Bode, C. E., Illinois Central Traction Co., Springfield, Ill.

Boyd, E. B., Illinois Freight Committee, Chicago, Ill.

Boyd, E. B., Western Trunk Line Committee, Chicago, Ill.

Boyd, E. B., Gulf Foreign Freight Committee, Chicago, Ill.

Braum, A. C., Dayton Switching Tariff, Dayton, Ohio.

Briggs, L., Traders' Despatch, Chicago, Ill.

Broadus, Andrew, Cumberland Gap Despatch, Louisville, Ky.



Bullen, C. W., South East Mississippi Valley Tariff, New York, N. Y.

Cameron, Wm., St. Louis-Cincinnati-Louisville Freight Committee, St. Louis, Mo.

Cameron, Wm., St. Louis Eastbound Freight Committee, St. Louis, Mo.

Campbell, R. A., Asheville Line Route, St. Louis, Mo.

Childers, C. E. E., Pittsburgh Freight Committee, Pittsburgh, Pa.

Christian, J. R., Mallory & Sou. Pac. Co.'s Atlantic Line, Houston, Tex.

Collyer, R. N., Official Classification Committee, New York, N. Y.

Conard, G. P., Ry. Equipment Register, New York, N. Y.

Cottrell, J. J., Virginia Lines Tariff Bureau, Richmond, Va.

Countiss, R. H., Transcontinental Freight Bureau, 608 South Dearborn St., Chicago, Ill.

Crawford, J. H., Lake Shore-Lackawanna Lines, New York, N. Y.

Crawford, J. H., Michigan Central-Lackawanna Lines, New York, N. Y.

Crawford, J. H., Wabash-Lackawanna Lines, New York, N. Y.

Crow, W. R., Erie Despatch, Chicago, Ill.

Davis, F. V., Ohio Coal Roads, Columbus, Ohio.

Denyven, J. M., Mobile & Ohio Import Tariff, St. Louis, Mo.

Dudley, George, agent for individual lines, Boston, Mass.

Duke, Nat, Lake Shore-Lackawanna Lines, New York, N. Y.

Duval, J. E., Canadian Car Service Bureau, Montreal, Que.

Emerson, W. P., New Orleans Freight Committee, New Orleans, La.

Fonda, A. C., Texas Tariff Bureau, Austin, Tex.

Fulton, C. E., Chicago & Ohio River Committee, Chicago, Ill.

Fyfe, R. C., Western Classification Company, Chicago, Ill.

Gilbert, A. P., Richmond (Va.) Switching Directory, Richmond, Va.

Gomph, F. W., Pacific Freight Bureau, San Francisco, Cal.

Graham, H. J., Lackawanna Line, Chicago, Ill.

Griffin, C. H., Intermountain Demurrage Bureau, Salt Lake City, Utah.

Griffin, C. H., Local Utah Freight Bureau, Salt Lake City, Utah.

Griffin, C. H., Colorado-Utah Freight Bureau, Salt Lake City, Utah.

Guthrie, C. B., Official Freight Tariff Directory, Washington, D. C.

Hall, A. D., Southern Freight Association, St. Louis, Mo.

Hardin, F. M., Southeastern Demurrage Bureau, Atlanta, Ga.

Hinton, E. H., Southeastern Freight Association, Atlanta, Ga.

Hoskins, N. S., New Orleans Car Service Rules, New Orleans, La.

Holmes, F. S., Agent, Room 23, Beckel Building, Dayton, Ohio.

Howe, Carl, New York Central Fast Freight Lines, Chicago, Ill.

Hunter, A. A., Zanesville Switching Tariff, Zanesville, Ohio.

Leland, F. A., Southwestern Tariff Committee, St. Louis, Mo.

Lewis, Thornton, Kanawha Despatch, Cincinnati, Ohio.

Loomis, J. C., Demurrage and Storage Rules C. I. & L., Louisville, Ky.

Lowrey, L. A., Chicago Switching Committee, Chicago, Ill.

McCain, C. C., Trunk Line Association, New York, N. Y.

Merki, Geo., Joint Rate Inspection Bureau, Chicago, Ill.

Morris, Eugene, Central Freight Association, Chicago, Ill.

Morris, Ira W., Columbus Switching Tariff, Columbus, Ohio.

Mote, E. E., Pacific Car Demurrage Bureau, San Francisco, Cal.

Neereamer, A. L., Central Electric Traffic Association, Indianapolis, Ind.

Pierce, C. J., National Despatch-Great Eastern Line, Boston, Mass.

Pierce, R. S., Cincinnati Switching Committee, Cincinnati, Ohio.

Pontius, F. A., Chicago Demurrage Bureau, Chicago, Ill.

Poteet, W. A., Trans-Missouri Freight Bureau, Chicago, Ill.

Powe, W. R., Southern Classification Committee, Atlanta, Ga.

Raine, Geo. R., Southern Car Service Association, New Orleans, La.

Rains, G. S., Agent, Norfolk, Va.

Ransom, G. C., Canadian Classification, Montreal, Que.

Renneker, W. E., Florida Orange-Pineapple Tariff.

Robinson, L. R., Canadian Pacific Despatch, Eastbound Guide Book.

Rotchford, M. W., Illinois & Iowa Car Service Bureau, Peoria, Ill.

Shields, M. C., Northern Demurrage Bureau, 524 Flour Exchange, Minneapolis, Minn.

Sedgeman, Wm. J., Seaboard-Colorado-Utah Committee, New York, N. Y.

Sedgeman, Wm. J., Seaboard-Texas Committee, New York, N. Y.

Shallenberger, F. E., Star Union Line, Pittsburgh, Pa.

Smith, —. —., Peoria Switching Tariff, Peoria, Ill.

Souders, L. M., Empire Line, Chicago, Ill.

Stewart, J. B., Ontario Central Despatch F. F. Lines, New York, N. Y.

Storey, S. A., Lehigh Valley Despatch, Buffalo, N. Y.

Vaughn, R. H., Blue Ridge Despatch, Cincinnati, Ohio.

Washburn, M. P., Southeastern Mississippi and Mississippi Valley Freight Association, Louisville, Ky.

Whiton, H. J., Rome, Watertown & Ogdensburg Line, Boston, Mass.

### § 3. Appointment of Joint Tariff Agent.

If two or more carriers appoint the same person agent for the filing of certain tariffs, schedules, classifications, exception sheets, and supplements thereto, each of such carriers must file with the Interstate Commerce Commission separate power of attorney in the form above set forth, and in addition the concurrence of all other carriers participating in any tariff or classification or supplement thereto, which is filed by such agent, must be filed with the Commission or accompany the tariff.

When a joint agent is duly authorized to act for several carriers, he must file joint tariffs, schedules, classifications,

and exceptions thereto, under his own I. C. C. serial numbers, subject to the established regulations of the Commission governing the use of I. C. C. numbers on tariffs.

#### § 4. Revocation of Agent's Authority.

A tariff agent's authority may be revoked by a carrier upon thirty days' official notice to the Commission, or such authority may at any time be transferred to another agent by filing with the Commission notice of such transfer, accompanied by a full-form authorization for the newly appointed agent, in accordance with the established regulations and form referred to and set forth in Appendix. Remember that it is not necessary to file power of attorney when a carrier is named as agent for the filing of another carrier's tariffs.

#### § 5. Regulations Governing the Appointment of Tariff Agent.

That you may have before you concrete reference to the established regulations of the Interstate Commerce Commission governing the appointment of tariff agents, the following regulations are enumerated:

	See Appendix Tariff Circular 18-A
	Rule
When agent may act for carriers....	17b
Revocation of agent's authority.....	13a
Transfer of agent's authority.....	13a
Agent's authority must be filed.....	13b
Form of agent's appointment.....	18
Joint agent .....	17a
Agent must be authorized.....	17a
Agent must conform to law.....	17a

These regulations have reference to appointment of agents for the filing of freight tariffs.

#### § 6. Publication by Carriers of Conflicting Rates Prohibited.

Having granted authority to an agent, or to another carrier, under the established regulations of the Interstate Commerce Commission, to publish and file certain of its rates, such carrier may not, in its own publications, publish rates that duplicate or conflict with those which are published by such authorized agent or other carrier.

There is a further rule in prevention of conflicting rates as between issuing carriers and issuing agents. When an agent acts under power of attorney, if he is fully authorized to act for the carriers that have named him their agent and attorney, it is permissible for him to cancel by his tariffs, issues of such principals. But a carrier may not, by its individual tariff, cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time and in accordance with the established regulations of the Commission. (See Rule No. 8a, Tariff Circular No. 18-A.)

For example: A carrier may decide to transfer certain rates from one of its individual issues to an agent's tariff. It is necessary in such cases for the carrier to issue a supplement to its individual tariff cancelling the rates therefrom and referring specifically to and making same effective simultaneously with the agent's tariff in which the rates will thereafter be found. It sometimes happens, however, that the rates are not specifically cancelled from one tariff when transferred to a new tariff, resulting in conflicting rates if there has been a change.

In such a case the old rate remains in effect until for-



mally cancelled by carrier principal. Thus, in a case where the published tariffs of an interstate carrier named a rate of 20 cents on a given commodity between specified points, and on October 1, 1907, under a proper power of attorney, a joint agent of all carriers serving those two points, published a rate of 22 cents, but such agent failed to cancel the 20-cent rate and it was not formally cancelled by the carrier-principal until January 14, 1908, the Interstate Commerce Commission held that because of the failure of the joint agent and of the carrier that published it to cancel that rate in the manner required by section 6 of the Act and rule 8 of the then Tariff Circular No. 14-A (now Tariff Circular 18-A, same rule 8), the 20-cent rate remained the lawful rate of that carrier until formally cancelled January 14, 1908.

A carrier's tariff contains certain rates, and a joint agent's tariff cancelled certain of such rates, but the carrier did not issue any corresponding amendment to its tariff, as is required by rule 8, above cited, and the Commission ruled that it is essential that when one tariff cancels a part of another tariff, specific reference to the tariff so affected and to the part thereof so cancelled shall be given, and that, effective on the same date, supplement to the tariff so cancelled in part shall show that the specific parts are cancelled by, and that the rates will thereafter be found in.....tariff, I. C. C. No. .... In no other way can discriminations and complaints be avoided. The carrier knows that such parts of its tariff are to be cancelled and that superseding rates are to be shown in another tariff. There is, therefore, no difficulty about arranging its supplement and furnishing it to the proper party to be filed with the issue that contains the superseding rates.

### **§ 7. Regulations Governing Use of Tariff Numbers by Tariff Agent.**

An agent, duly authorized to act for several carriers, must file joint tariffs or classifications or exception sheets under I. C. C. serial numbers of his own.

### **§ 8. Agents Issuing and Filing Class Rate Tariffs.**

If the duly authorized agent publishes only class rate (and does not publish commodity rates), his class tariff must carry the notation that the commodity rates of the carriers parties to the class tariff are to be found in their individual issues, and that where commodity rates are so found, they take precedence over the class rates in the agent's tariff.

### **§ 9. Agents Issuing and Filing Commodity Rate Tariffs.**

If the agent does not publish all the commodity rates of the carriers parties to his tariff, but simply a part of their commodity rates, then the agent's tariff must bear notation that commodity rates not shown in his tariff, are to be found in the participating carriers' individual tariffs, and where so found, such commodity rates will take precedence over the class rates in the agent's tariff.

This ruling is in furtherance of the general rule that a properly issued commodity rate takes precedence of the class rate on the same article.

### **§ 10. Agents Issuing Joint Tariffs.**

An agent for certain carriers may join with another agent for carriers in another territory in the issuance of tariffs naming joint through rates from points in one territory to points in the other territory, or *between* points in the territories represented by such agents. In doing this,

each of such agents acts for the lines that have granted him authority and for the lines that have given proper concurrences to the carriers that have given such agent power of attorney, and for such lines only.

**§ 11. Regulations Governing "Cross-Exchange" of Concurrences for Agency-Issued Joint Tariffs.**

Each such agent acts only for the carriers that he has due authority to act for. The principals of each agent are bound by the acts of their attorney and agent, and as each agent files the tariff under his own I. C. C. number and for the roads which he lawfully represents, the Commission does not require a cross-exchange of concurrences between all of the different roads represented by the respective agents.

In executing the authorization of the agent, the form should contain the condition "for it jointly with other carriers," in order to avoid cross-exchange of concurrences.

The joint publication of such agents must show the following with respect to participating carriers:

(1) A list of the carriers from which one of the agents has power of attorney FX1, showing as to each the FX1 number of such authority, and a list of the carriers that participate under concurrences to the lines for which that agent is agent and attorney, showing the form and number of each concurrence; and

(2) A list of the carriers for which the other agent is agent and attorney, with the FX1 number of his authority as to each, and a list of the carriers that participate under concurrences to the lines for which that agent is agent and attorney, showing the form and number of each concurrence.

Each of these subdivisions of the participating carriers,

in such agents' joint publications, must be indicated by plain headlines, as, for instance :

“Carriers for which.....is agent and attorney, and carriers participating under concurrences to such carriers,”

and like notice for the other agent's list of participating and concurring carriers.

Confusion and complications under this plan may be avoided, if agents will perfect their understandings and see that there is no omission or neglect on the part of either agent about filing under lawful notice any tariff so issued or any supplement thereto.

#### **§ 12. Filing and Numbering of Joint Tariffs by Agents Issuing Same.**

All joint tariffs issued by joint agents must bear I. C. C. numbers, under the serial of each of the issuing agents, and each of such agents files the tariff and all supplements thereto for and on behalf of the lines for which he is agent, as if it were his individual publication on behalf of such lines alone.

#### **§ 13. Furnishing of Copies of Tariffs by Agents to All Participating Carriers.**

Every agent, or carrier, issuing a joint tariff publication, under the established regulations of the Interstate Commerce Commission, is required to at once furnish copies thereof to each and every carrier named as a participant therein.

#### **§ 14. Classifications Issued and Filed by Agent.**

The three interstate classifications of the country, the Official, Western, and Southern classification schedules,

are examples of the agency-issued tariff or schedule. The carriers are permitted, under the regulations of the Commission, to grant authority to a joint agent to publish and file for them classifications and supplements thereto, and exceptions to the classifications (or such exceptions may also be published by the carrier in its own issues). In the latter event, such exceptions may be included as part of an individual tariff, the rates of which are directly affected by such exceptions, or that may be embodied in an individual publication of the carrier, bearing its own I. C. C. number, and filed and posted under the established regulations of the Interstate Commerce Commission. And so far as practical, the Commission desires that exceptions should be included in the tariffs which they affect.

**§ 15. Use of Interstate Commerce Commission Filing Numbers on Classifications Filed by Agents; Use of General Schedule Number by Agents.**

A joint agent authorized by the carriers to publish and file a classification and supplements thereto, must issue such classification under his own I. C. C. numbers and serial, and must file such classification and the supplements thereto on behalf of all of the carriers that have so authorized him to act for them, and such carriers will not file the classification or supplements thereto for themselves individually.

The classifications now being filed by such agents for carriers carry in addition to the I. C. C. serial numbers of the agent, a number indicating the numerical sequence of issue. Thus, Official Classification now in effect bears Agent Collyer's I. C. C. serial number "O. C. . . .," and schedule number "...;" current Western Classification schedule bears Agent Fyfe's I. C. C. number "...," and schedule number "...;" and current Southern Classifica-



tion schedule bears Agent Powe's I. C. C. number "...," and schedule number "...."

It is also required that such agent must show in the classification a list of the carriers for which he acts under power of attorney, giving as to each the FX1 number of such authority. In showing this list of participating carriers in a supplement the established regulations of the Commission governing amendments and supplements to tariffs must be observed.

Should a carrier fail to authorize an agent to file the classification for it, but, on the contrary, undertakes to file it for itself, such carrier would be bound by the terms of the law as to notice of change and date of filing, both as to the classification schedule proper and all supplements thereto.

In the use of FX1 form for the purpose of giving power of attorney for this purpose, the form should be modified by striking out from line 6 of the form the word "tariffs," and, if desired, from line 7 the words, "and exception sheets."

In the event a carrier has given another carrier concurrence FX4, under which it concurs in the classification which that other carrier or its agent may make and file, the carrier to which such concurrence is given may exercise the authority by its lawfully appointed agent, the carrier giving the authority to be shown in the publication as a participant under the form and number of its concurrence.





## CHAPTER VI.

### CONCURRENCES.

- § 1. Purpose.
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  - (1) Lessee Road Not Serving Public as Common Carrier.
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§ 17. Concurrence by Switching Lines; When Not Required.

§ 18. Requirements as to Concurrences in Tariffs Carrying Rates to or from Points in Mexico and Canada.

§ 19. Concurrence Does Not Confer Authority to Cancel Effective Tariffs.

(1) When Joint Agent Publishes a Rate Between Two Points, without Cancelling the Old Rate Duly Published by One of the Carriers, the Old Rate on that Line Remains in Effect.

(2) Cancellation in Tariffs Must be Specific and Complete.

## CHAPTER VI.

### CONCURRENCES.

#### § 1. Purpose.

Before the days of strict regulation of the relation of carriers in the matter of publication and observance of such published rates, it was not an unusual practice for a carrier to decline to abide by rates issued by another carrier in which it was shown in the tariff to participate, either as an intermediate or delivering line. The legal relationship of the agent and the responsibility in his acts was respected or ignored at the pleasure of the participating carrier. On May 1, 1907, the Interstate Commerce Commission's regulations governing the construction, publication and filing of freight tariffs went into effect. Prior to that date, the general custom was for each carrier to file with the Commission a statement that it thereby concurred in any tariff, issued by any carrier, and in which it was shown as a participant, except when it gave to the Commission specific notice of nonconcurrence in some particular tariff. Some carriers did not even file such a declaration, but accepted traffic and settlements of revenue under joint tariffs in which they were shown as participating lines.

The general understanding was that every carrier had a right to issue tariffs containing joint through rates over the lines of other carriers named as participants in the tariff, simply noting therein that such participating car-

riers would certify their concurrence to the Interstate Commerce Commission, and for all to use such tariffs except in cases where carriers specifically certified to the Commission their nonconcurrence in certain publications. Of this practice the Commission has said:

"To now undertake to check out and follow down definite and actual concurrence of carriers in tariffs issued prior to May 1, 1907, would be a hopeless task; and to declare unlawful all tariffs, and participation therein, which were not so definitely and actually concurred in, other than by use thereof, would be to overthrow practically all such joint tariffs and leave transportation in chaos.

"Some carriers have sought to evade liabilities under such joint tariffs on the plea that they never concurred therein, although in each instance, so far brought to notice, such carrier is shown to have accepted traffic and collected charges thereon in accordance with such tariff up to, and in some instances subsequent to, date of filing notice of nonconcurrence.

"Such complications are impossible as to tariffs issued subsequent to May 1, 1907, if the Commission's tariff relations are observed. The Commission can not undertake to now excuse carriers from responsibilities placed upon them by tariffs that were issued prior to May 1, 1907, and in which they are named as participants in conformity with customs that were followed so generally and for so long a time as to render them binding upon those who did not give notice of nonconcurrence, except in accordance with, and subsequent to, filing of specific notices of nonconcurrence.

"The Commission's tariff regulations require that the carrier or joint agent that issues a joint tariff shall, before issuing same, have secured the definite and affirmative concurrence of every carrier shown therein as a partici-

pant, and shall show in connection with the name of each participating carrier, the form and number of the instrument by authority of which that carrier is made a party to the tariff.

"A carrier has no means of preventing another carrier from naming it as a party to a joint tariff, without proper authority so to do. It can not, however, be bound by such unauthorized act, and it is its obvious duty to refuse to recognize or apply any such unlawful issue. It should also at once call attention of the Commission and of the one that issued the tariff, to such erroneous action.

"If one or more carriers are, without proper authority, so shown as participating in any tariff and other carriers are lawfully shown as parties thereto, the use of the publication is unlawful as to the carriers that are named as parties thereto without proper authority, and lawful as to those that are parties to it under proper authority. The carrier over whose line shipments or passengers are sent under a joint tariff is bound by the terms of that tariff if it has lawfully concurred therein, and, if it has not lawfully concurred therein, may not accept earnings in accordance therewith, but must demand for the service performed its lawful earnings according to its lawful tariffs.

"Responsibility for the unlawful incorporation of any carrier in a tariff will rest upon the carrier that issued the tariff, or, if the tariff is issued by a joint agent and attorney for two or more carriers, will rest upon that one of his principals that accepts and forwards the business under that tariff.

"In passing upon a complaint of overcharge growing out of improper or unlawful inclusion of any carrier's name in the list of participating carriers in the tariff under which the business was accepted and forwarded, the Commission will apply the principles above stated.



“By its Special Order No. 3 of March 2, 1909, the Commission required that all freight tariffs which were on file prior to May 1, 1907, and as to which specific participation and concurrences were not shown as required by the Commission’s tariff regulations, should, on or before June 1, 1909, be cancelled or be supplemented so as to show specific participation and lawful concurrence of every carrier that uses or participates in such tariff subsequently to June 1, 1909. It declared that the use of such tariffs as to which the terms of the Special Order had not been complied with on or before June 1, 1909, would, after June 1, 1909, be unlawful and that prosecution would follow such use.

“The Commission’s ruling of June 14, 1909, adding to the above ruling the following, is hereby rescinded:

“If, however, such a tariff not having been cancelled is hereafter supplemented on statutory notice to show the list of participating carriers and their lawful concurrences therein, such tariff may, subsequent to the lawfully effective date of such supplement, be lawfully used by the carriers so shown as participating and concurring therein.”

On January 3, 1912, the rule was further amended by the Commission to include instances where a carrier names another carrier as participating in the rates without authority so to do, but cases where the issuing carrier or agent exceeds the authority conferred by a limited concurrence.

In the matter of the responsibility and liability for the unlawful incorporation of any carrier in a tariff, or exceeding the authority conferred by a limited concurrence, the Commission now holds that not only will such responsibility and liability rest upon the carrier or agent that issued the tariff, but that such responsibility and liability will be measured by the difference between the charges under the tariff as it is published, filed, and posted, and as it would

have been if no carrier had been improperly named as party thereto, or if the authority conferred by the concurrence of a participating carrier had not been exceeded.

The amendment of the rule also was made to include complaints of overcharges or demands for payment of undercharges growing out of the exceeding of the authority conferred by a limited concurrence.

Concurrence can only be required from, and is effective only against, common carriers subject to the Act to Regulate Commerce.

A joint rate is reached by agreement among the carriers over whose lines it is to be applied. The carrier upon whose line the rates originate usually publishes the tariff of such joint rates, or, in the event of an agent having been appointed for the purpose, the agent publishes the joint rates. For a participating line to be in position to disregard such joint rates, having once joined in their lawful establishment, would defeat one of the primary functions of the Act to Regulate Commerce.

The Commission rightly requires strict adherence to the agency relationship, when it is once established between carriers or between carriers and tariff agents. It requires that the establishment of such agency shall be legally correct and that evidence thereof shall be on file with it in the shape of proper powers of attorney or concurrences, and the responsibility of carriers under such powers of attorney and concurrences rigidly enforced. At first, the constituting of a person or of a carrier agent for the issuance and filing of another carrier's rates was accomplished solely by power of attorney, but the Commission has found that "it is simpler and better to use concurrence, than power of attorney, in giving authority to a carrier to publish and file another carrier's rates. Provision for giving power of attorney to another carrier has,

therefore, been eliminated except for the purpose of granting authority to give and receive concurrences as provided in Rule 26 (Tariff Circular No. 18-A). This does not invalidate or change the terms or effect of any power of attorney now on file."

## § 2. Forms of Concurrences.

Concurrences are certificates of participation in joint rates, rules, regulations, practices, classifications, or exceptions thereto, required to be filed with the Interstate Commerce Commission in accordance with certain prescribed forms. These forms are symbolically designated under prefixes, FX2, FX3, FX4, FX5, FX6, FX7, and FX8. All powers of attorney and certificates of concurrence must be printed or typewritten on hard calendered paper, 8 by 10½ inches in size, and must be signed by an official of the carrier duly authorized to execute the same, showing the postoffice address of the issuing officer in the date line preceding the body of concurrence form.

The concurrence forms prescribed have the following application:

FX2 applies to individual tariffs or publications named therein.

FX3 applies to the publication and filing of rates to, but not from, points on the line of the concurring carrier, and via its lines.

FX4, special. (See form.)

FX5 applies to rates to or from points on line of concurring carrier, and via its lines.

FX6, same as FX3. (See form.)

FX7, same as FX5. (See form.)

FX8, special. (See form.)

The new form FX5 covers the same authority as the old FX4, but when form FX5 was adopted, the Commission

did not require the reissue of all the old FX4's then on file. Consequently a great many FX4's now being used in the issuance of tariffs grant authority to publish rates from, to or via a concurring carrier.

For new concurrences, forms should be used as specified in the several rules hereafter set forth, and FX4 and FX8 should only be used when either of the other forms provides for the authority it is desired to confer.

(1) **Form FX2; Individual Publications.** This form of concurrence is used in giving concurrence in a tariff that is issued and filed by another carrier or its agent, and to which the carrier giving concurrence is a party. If this form of concurrence is given "to continue until revoked," it serves as a continuing concurrence in the tariff described in it and all supplements to and reissues thereof. If the condition "to continue until revoked" is stricken out, a new concurrence is required with each supplement or reissue.

FX2 form is as follows:

"To be Filed with the Interstate Commerce Commission.  
(Name of carrier in full.)  
General Freight Department.  
(Date).....

Form FX2.... No....

To the Interstate Commerce Commission,  
Washington, D. C.

This is to certify that the.....(name of carrier) assents to and concurs in the publication and filing of the rate schedule described below, together with supplements thereto and reissues thereof which the named issuing carrier or its agent may make and file, and hereby makes itself a party thereto and bound thereby, until this authority is revoked by formal and official notices of revocation placed

in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

Title and number: ..... (Here give exact description of title of schedule, including number and name of series.)

Date of issue: ....., .....

Date effective: ....., .....

(Official.)

Issued by (Company).

(Name of carrier.)

.....

(Name of officer.)

By.....

(Title of officer.)

.....”

The original of this form of concurrence should be filed with the Interstate Commerce Commission by the carrier or agent filing the tariff, and should accompany the tariff when filed.

(2) **Form FX3; Concurrence in Rates to or via Concurring Line.** This form, as well as FX6, confers authority to publish and file rates to, but not from, points on the line of the concurring carrier, and via its lines. Form FX3 may be given by a carrier to embrace all tariffs issued by another carrier or its agent in which the concurring carrier is shown as a participating, intermediate or delivering line.

The form is as follows:

“To Be Filed with the Interstate Commerce Commission.

(Name of carrier in full.)

General Freight Department.

(Date).....

Form FX3.... No....



To the Interstate Commerce Commission,  
Washington, D. C.

This is to certify that.....(name of carrier)  
assents to and concurs in the publication and filing of any  
freight rate schedule or supplement thereto which the  
.....(name of carrier) or its agent may make and  
file, in which it is shown as a participating carrier, and  
hereby makes itself a party to and bound thereby in so far  
as such schedule contains rates applying via its line and  
to, but not from, points thereon, until this authority is  
revoked by formal and official notices of revocation placed  
in the hands of the Interstate Commerce Commission and  
of the carrier to which this concurrence is given.

(Name of carrier.)

.....

(Name of officer.)

By.....

(Title of officer.)

.....”

It is not permissible to qualify this form in any way  
except to show what agents have been given power of  
attorney and to provide that tariffs shall not be issued  
under the concurrence covering traffic provided for in  
tariffs issued by such agents.

This form must be filed; the original with the Commis-  
sion and duplicate copy with the carrier to which the con-  
currence is given.

(3) **Form FX4; Qualified Concurrence; May Be Blanket Concurrence.** This form is used to fit conditions of concurrence not covered in the other forms, a similar purpose for which form FX8 is used. It may be given by a carrier for concurrence in tariffs issued by another carrier or its agent applying rates to or from its points or via its lines, on certain described traffic or between certain described



points or territories, modified as may be necessary to confer exactly the authority intended to be granted. If there be no restriction in a concurrence in rates to and from and via the concurring carrier's lines, forms FX5 or FX7 should be used instead of FX4, the latter being used for a qualified general concurrence.

The form is as follows:

"To Be Filed with the Interstate Commerce Commission.  
 (Name of carrier in full.)  
 General Freight Department.  
 (Date).....

Form FX4.... No....

To the Interstate Commerce Commission,  
 Washington, D. C.

This is to certify that the..... (name of carrier) assents to and concurs in the publication and filing of any freight rate schedule or supplement thereto which the ..... (name of carrier) or its agent may make and file and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon.....; or between.....and .....; or from.....to .....or via.....; until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

(Name of carrier.)

.....

(Name of officer.)

By.....

(Title of officer.)

....."

In filing this form of concurrence original should be filed with the Commission and duplicate furnished to the carrier to which concurrence is given.

(4) **Form FX5; Blanket Concurrence.** This form is essentially a blanket concurrence in rates of another carrier or its agent in any rates applying to and from and via the lines of the concurring carrier.

The form is as follows:

"To Be Filed with the Interstate Commerce Commission.

(Name of carrier in full.)

General Freight Department.

(Date).....

Form FX5.... No....

To the Interstate Commerce Commission,

Washington, D. C.

This is to certify that the.....(name of carrier) assents to and concurs in the publication and filing of any freight rate schedule or supplement thereto which the .....(name of carrier) or its agent may make and file, and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying to and from stations on its lines, and via its lines, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

(Name of carrier.)

.....,

(Name of officer.)

By .....

(Title of officer.)

....."

The only qualification of this form of concurrence which is permissible, is to show what agents have been given powers of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

In filing this form of concurrence, original should be filed with the Commission and duplicate copy furnished to the carrier to which the concurrence is given.

**(5) Form FX6; Concurrence in Rates to, but Not from, Points on Concurring Line.** The authority granted under this form of concurrence is to publish and file rates to, but not from, and via the line of the concurring carrier. It is used where two or more carriers have appointed the same person as agent for the publication and filing of tariffs and supplements thereto, under powers of attorney FX1.

The form is as follows:

“To Be Filed with the Interstate Commerce Commission.

(Name of carrier in full.)

General Freight Department.

(Date)....., ....

Form FX6.... No....

To the Interstate Commerce Commission,

Washington, D. C.

This is to certify that the.....(name of carrier) assents to and concurs in the publication and filing of any freight rate schedule or supplement thereto which the .....(here should be given a list of all carriers for which the agent has powers of attorney), or either or any of them, may make and file through their agent and attorney.....(name of agent), and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to but not from points

thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

(Name of carrier.)

.....,

(Name of officer.)

By .....

(Title of officer.)

.....”

In the event the carriers named in the concurrence have each given to the agent power of attorney to receive for them concurrences (See Rule 18, Tariff Circular 18-A), the original should be filed with the Commission and a single duplicate copy thereof furnished the agent, but in the event such power of attorney has not been given to the agent to so receive concurrence, duplicate copy of this concurrence must be furnished to each of the carriers named in the concurrence.

(6) **Form FX7; Blanket Concurrence.** This form of concurrence is given in rates to and from points on and via the concurring carrier's line, where two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney Form FX1. (See Rule 18, Tariff Circular 18-A.)

The form is as follows:

“To Be Filed with the Interstate Commerce Commission.

(Name of carrier in full.)

General Freight Department.

(Date)....., ....

Form FX7.... No....

To the Interstate Commerce Commission,  
 Washington, D. C.

This is to certify that the.....(name of carrier) assents to and concurs in the publication and filing of any freight rate schedule or supplement thereto which the .....(here give a list of all carriers for which the agent has powers of attorney), or either or any of them may make and file through their agent and attorney .....(name of agent), and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to and from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

(Name of carrier.)

.....”

(Name of officer.)

By .....

(Title of officer.)

.....,

The filing of this form of concurrence should be in precisely the same manner as the filing of form FX6.

(7) **Form FX8; Qualified Concurrence.** This form of concurrence carries limitation as to territorial application of rates, where two or more carriers appoint the same person an agent for the publication and filing of tariffs and supplements thereto under powers of attorney FX1, and it may be modified in such manner as may be necessary to grant exactly the authority intended to be conferred.

The form is as follows:

"To Be Filed with the Interstate Commerce Commission.

(Name of carrier in full.)

General Freight Department.

(Date)....., ....

Form FX8.... No....

To the Interstate Commerce Commission,

Washington, D. C.

This is to certify that the.....(name of carrier) assents to and concurs in the publication and filing of any freight rate schedule or supplement thereto which the .....(here give a list of all carriers for which the agent has powers of attorney), or either or any of them, may make and file through their agent and attorney .....(name of agent), and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon.....; or between.....and .....; or from.....to .....; or from..... to points on or reached via its line; or from points on or via its line to.....until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carriers to which this concurrence is given, or of their agent and attorney herein named.

(Name of carrier.)

.....

(Name of officer.)

By.....

(Title of officer.)

....."

The filing of this concurrence should be made in precisely the same manner as the filing of forms FX6 and FX7.



Your attention is called to the necessity of knowing what the concurrence of a carrier is, in the interpretation of a tariff. It is a common fault for shippers and traffic men, when interpreting and applying territorial rate tariffs, to be satisfied with the mere formal statement of the rate application in the territorial and rate tables of the tariff, without giving proper consideration to the effect of a particular carrier's concurrence on the application of the rates as to its line. Thus: Suppose you examine a tariff naming rates "between" a certain territory, which for the sake of illustration, we will call "A," and a certain other territory, which for the sake of illustration, we will call "B." A certain list of points is enumerated as being in territory "A" and a certain list of points is shown in territory "B." The assumption is readily reached that all lines of railway named in the list of participating carriers are parties to the rates in the manner in which the rates are displayed in the rate tables. However, suppose instead of the concurrence of railroad "X" being form FX2, it actually has on file with the Commission concurrence in form FX3 or FX4; these latter forms either repudiating the application of the rates from points on railroad "X," or so qualifying the application as to railroad "X" as to only apply the rates to a single point on its line and not apply the rates from any point on or via its line. If the tariff happened to be a commodity tariff, the result of an attempted application of the commodity rates from a point in territory "A" to a point on railroad "X" in territory "B" excluded by the qualified concurrence of such carrier, would be to set the rates on the shipment up to the class or combination basis, materially increasing the charges to the shipper. In many of the large agency tariffs this condition exists, and causes not only confusion and complications through the ignorance of those who

attempt to use them, but costs shippers increases in charges and inconvenience in routing their shipments.

This subject is of such importance in the reading, interpretation, and application of tariffs, that these forms have been set forth in full, with instructions governing their use, and the purpose for which they are used by the carriers. When properly understood and complied with they form a legal safeguard thrown about the protection of joint rates and are relied upon by the Interstate Commerce Commission to compel responsibility in rates by participating carriers. Always examine the list of participating carriers shown in the joint or agency tariff which you intend using, and thoroughly acquaint yourself with precisely the extent of concurrence which the line you are going to use has made in the application of the rates.

### § 3. Regulations Governing the Filing of Concurrences with the Interstate Commerce Commission.

In each instance the original copy of the concurrence, in any of the forms prescribed, must be filed with the Interstate Commerce Commission, and duplicate copies of such concurrence should be furnished to the carriers named in the concurrence to which the concurrence is given, except where the agent of the carriers, to whom concurrence is given, has been duly authorized to accept concurrence on behalf of his principals.

Concurrence in form FX2 should accompany the tariff.

Concurrence in forms FX3, FX4 and FX5, and forms FX6, FX7 and FX8, should be so filed with the Commission that they stand as evidence of the accepted responsibility of concurring carriers in the rates as soon as the tariff they affect is in the hands of the Commission, in the case of original concurrence and original tariff filing. Thereafter the initial filing of such concurrences operates

automatically upon supplements to the tariffs affected, or reissues thereof.

The regulations governing the filing of concurrence with the Commission are to be found in Rules 19, 20, 21, 22, 23, 24 and 25, in the Commission's Tariff Circular 18-A, the filing requirements of each form being set forth in connection with the form itself.

#### **§ 4. Numbering of Concurrences.**

Concurrences must be numbered by the carrier giving them, in series as indicated on forms, beginning with No. 1 and continuing in consecutive numbers as to each series. Thus, a carrier's concurrences in form FX2 would be numbered "FX2—No. 1," "FX2—No. 2," etc., and its concurrences in form FX5 would be numbered "FX5—No. 1," "FX5—No. 2," etc., and so on, in the case of each and every different form of concurrence which it gives as to each carrier or agent to which concurrence is given. The numbering would be with its FX2 forms, when given to carrier A in consecutive sequence of order of issue, and to carrier B in consecutive sequence of the order of issue to that carrier, etc.

Concurrence numbers should be kept apart and separate from the I. C. C. numbers of tariffs.

All concurrences should be printed or typewritten on hard calendered paper 8 by 10½ inches in size.

The series to which each power of attorney or certificate of concurrence belongs must be indicated, and the serial number of each must be shown in upper right-hand corner of first page. The number or numbers of powers of attorneys or certificates of concurrence, as the case may be, that are cancelled, should be shown immediately under the serial number. Thus:



the service of the same upon the carrier to which such concurrence was given. The notice of revocation must specify the date upon which the revocation is to be made effective, allowing at least sixty days' notice to the Commission and to the carrier to which the concurrence was given.

If a carrier duly revokes a concurrence in compliance with the established regulations of the Interstate Commerce Commission, it has the right to be free from the unsatisfactory rate or regulation on the date upon which the revocation becomes effective.

#### **§ 8. Revision of Tariffs Following Revocation of Concurrences.**

Unless there be strict regulation of the use of revocation of concurrences, there is danger of a return to the very condition which concurrence serves to prevent, in the assumption of responsibility in joint rates between parties participating in such rates in the tariffs. Hence, it is the rule that a tariff or tariffs must be revised to correspond with the revocation of concurrence either in the next supplement to, or reissue of, the tariff or tariffs affected by such revocation. If it is necessary, supplement or reissue must be made for the sole purpose of making such change lawfully effective on statutory notice upon the effective date stated in the notice of revocation.

#### **§ 9. Liability of Carrier for Failure to Revise Tariff When Revocation of Concurrence Becomes Effective.**

When a concurrence is revoked, and the carrier receiving the revocation fails to change its tariff in accordance with the revocation of concurrence, shippers are entitled to have shipments move as provided in the tariff, and the carrier so failing to correct its tariff is liable to other



carriers for the difference in charges under the tariff, as it is and as it would have been, if corrected in accordance with the revocation. For it is unquestionably the right of the carrier who has duly revoked a concurrence, in accordance with the established regulations of the Interstate Commerce Commission, to be free from the unsatisfactory rate or regulation on the date upon which the revocation becomes effective, and the public has the right to use the rates shown in a lawfully filed and published tariff. The rule provides ample time within which to make proper change in a tariff.

In the case of tariffs issued by a joint agent these requirements apply to each of his principals, as to traffic tendered to them as initial carriers.

This rule is founded upon the fact that a change in a tariff is effective, only when the tariff as filed and posted is changed. Changes effected by revocation of concurrence can not be known to the public or to the agents of carriers, except as such changes may appear in the tariffs. The revoking carrier has the right to be protected and the public has the right to use published rates; hence, the responsibility rests upon issuing carrier or agent.

#### **§ 10. Subsidiary Lines Not Giving Concurrences.**

If power of attorney to concur in tariffs, and general concurrences FX4 or FX5 to file tariffs is given to a parent company, or other line filing tariffs, by subsidiary or small lines not wishing to issue concurrences or file tariffs, the carrier holding such authority and concurrence may give and receive concurrences for itself and the lines for which it acts in one instrument, but the subsidiary or small line must be specifically named in all such concurrences.

In giving power of attorney to concur in tariffs in form FX1, the form should be modified by striking out from



6 the word "file" and adding "to give and receive concurrences in" in lieu thereof.

**§ 11. Authorizing Agent, or Concurring in Tariff Issue, Does Not Relieve Carrier from Duty to Post Proper Tariffs.**

Because a carrier complies with the established regulations of the Interstate Commerce Commission in granting authority to another carrier or agent to issue tariffs, it does not relieve such carrier from its duty to comply with the law regarding the posting of tariffs. Tariffs issued under such authority should be used for posting.

The only exception to this rule is in the case of subsidiary or small lines which have authorized the parent company, or principal connecting line, to publish and file for it all of its tariffs when it is not necessary for such subsidiary or small line to maintain an additional complete public file.

**§ 12. Posting Tariffs at Stations.**

Under the order of the Commission of June 2, 1908, entitled "In the Matter of Modification of the Provisions of Section Six of the Act with Regard to Posting Tariffs at Stations," if a subsidiary or small connecting line has authorized the parent company, or principal connecting line, to publish and file for it all of its tariffs, tariffs so issued and filed on its behalf will be included in the complete public tariff files of the parent or issuing line, and it will not be necessary for such subsidiary or small line to maintain an additional complete public file.

**§ 13. Joint Concurrence by Same Tariff Officer.**

In the case of a series of joint concurrences, issued on behalf of two or more carriers by the same traffic officer,

each concurrence in the series must be issued on behalf of all the carriers for whom the common traffic officer acts. Unless this is done separate files of concurrences must be maintained for each carrier, and filed in accordance with the general rule. (Rule 26-a, Tariff Circular 18-A.)

#### **§ 14. Illegality of Tariffs Not Properly Concurred in.**

Since it is required that the legal responsibility of the concurring carrier must be evidence in a properly executed and filed certificate of concurrence, the use of a tariff not so legally concurred in is unlawful. In a case where a properly accredited chairman of a tariff committee published tariffs for certain carriers for which he was the duly constituted attorney-in-fact for that purpose, and a carrier declined to concur in his tariffs, but put a new cover on them and filed them as its own tariffs without securing the concurrences of the other carriers named therein, the Interstate Commerce Commission held that the tariffs so adopted were unlawful and could not be used by the carrier.

This was a practice at one time followed by different carriers of placing what was termed "an application sheet" on the cover of a tariff and proceeding to use it without procuring new concurrences.

#### **§ 15. Carrier's Concurrence in Another Carrier's Tariff Does Not Legalize the Former's Use of the Latter Carrier's Local Rates.**

It has become the practice, in many instances, for a carrier to include in a tariff issued by it both local and joint rates. In cases where the local rates apply between points common to the line of a concurring carrier, it is unlawful for the concurring carrier to use such local rates.

A specific case of this nature is dealt with in conference ruling No. 281, Bulletin No. 6, as follows:

"A tariff published by one carrier in addition to certain joint through rates also named local rates between two points on its line that were also served by the lines of another and concurring carrier. *Held*, That the local rates of the carrier that published the tariff could not be recognized as the rates of the concurring carrier on local movements between the two points in question."

#### § 16. Concurrence in Tariffs by Jointly Operated or Leased Lines.

The Interstate Commerce Commission, on May 10, 1909, issued conference ruling No. 180, reading as follows:

(1) **Lessee Road Not Serving Public as Common Carrier.**—"For operating purposes only a carrier leased 20 miles of its line to another railroad company. The contract required the lessee, for an agreed compensation to be paid to it by the lessor, to operate the lessor's trains and to maintain its way, tracks, and appurtenances, the rates and charges to be collected by the lessor and the lessee to have no direct dealings with the public. On the facts as stated in the inquiry: *Held*, That the lessor must publish the rates, fares, and charges, and the lessee need not be a party to the tariffs nor concur therein, but is simply a contractor performing certain services for the lessor." (Compare Ruling 229 on page 127.)

Thus it will be noted that a lessee road not serving the public as a common carrier, that is, having no direct dealing with the public, need not be shown as party to tariffs issued by the lessor nor concur therein, but in a case of a line jointly operated by two lines as a separate company

the Commission issued conference ruling No. 229 reading as follows:

**(2) Line Jointly Operated Through Separate Company Must Concur in Tariffs for Through Traffic.**—"Two carriers desiring a joint operation of their combined lines between two points propose that they shall be operated by a new and separate company which shall handle as its own, and under its own tariffs, all local business between those points, and shall handle all other business under some arrangement with the two lines which does not permit it to participate in the earnings on the through traffic: *Held*, That Ruling 180 of this bulletin, entitled "Lessee road not serving as common carrier," does not apply and that the road operating between the two points must concur in the through rates over its line."

In this case it will be noted the Commission requires that the operating company must concur in through rates over its line, it being a common carrier.

#### **§ 17. Concurrence by Switching Lines; When Not Required.**

It is not necessary for switching carrier to concur in through tariffs, providing its switching charge is on file with the Commission and the through tariff provides for the absorption of such charge, either specifically or by reference to switching absorption tariffs lawfully filed with the Commission.

The Commission has issued Conference Ruling No. 341, reading as follows, covering this point:

"Two lines having no direct connection effect an interchange of traffic through a terminal railroad under an arbitrary switching charge of \$3 a car, which they absorb out of the joint rate. Upon inquiry, it is *Held*, That it is

not necessary that the switching road be shown as concurring in the joint through rate if its tariff of switching charges is on file and the tariff naming the joint through rate provides that such charges will be so absorbed."

**§ 18. Requirements as to Concurrences in Tariffs Carrying Rates to or from Points in Mexico and Canada.**

It is the announced desire of the Interstate Commerce Commission to encourage the publication and filing of through rates and fares to and from points in the United States and adjacent foreign countries, and to that end adopted Rule 72 of Tariff Circular 18-A, reading in part as follows:

"A joint tariff naming rates or fares from a point in the United States to a point in Mexico or in Canada; from a point in Mexico or in Canada to a point in the United States; from a point in Mexico through the United States to a point in Canada; from a point in Canada through the United States to a point in Mexico; from a point in Mexico through the United States to a point in Mexico; from a point in Canada through the United States to a point in Canada; from a point in the United States through Mexico or through Canada to a point in the United States, must be concurred in, in form prescribed in these regulations and without reservation by all lines that are parties to the through rates or fares and that participate in transportation thereunder; or, a statement of the divisions of the rates or fares accruing to the roads in the United States to or from the border must be incorporated in the tariff or be filed with the Commission together with and at the same time the tariff itself is filed.

"(Adopted March 7, 1910.) The purpose of the above rule, requiring the domestic carriers to publish their divisions of rates and fares to and from Canada or Mexico, is



to give to this Commission definite information as to their lawful earnings, and is not intended as a means of exercising any jurisdiction over carriers in adjacent foreign countries."

### **§ 19. Concurrence Does Not Confer Authority to Cancel Effective Tariffs.**

Under Rule 8-c, of Tariff Circular 18-A, authority is not conferred upon either an agent or a carrier, through a certificate of concurrence, to cancel tariffs of concurring carrier, and, therefore, tariffs issued under concurrence may not assume to cancel, or carry notation of cancellation of tariffs of and issued by concurring carriers. The carrier issuing the tariff which is to be cancelled must make such cancellation.

An agent, however, who acts under power of attorney, is fully authorized to act for the carriers that have named him their agent and attorney. Therefore, it is permissible for him to cancel, by his tariffs, issues of such principals.

In Rules 8-b and 8-c, Tariff Circular 18-A holds that:

(b) An agent who acts under power of attorney is fully authorized to act for the carriers that have named him their agent and attorney, and, therefore, it is permissible for him to cancel by his tariffs issues of such principals.

A carrier may not by its individual tariff cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time and as per paragraph (a) of this Rule.

(c) A concurrence does not confer authority upon either carrier or agent to cancel tariffs of concurring carrier, and, therefore, tariffs issued under concurrences may not assume to cancel, or carry notation of cancellation of tariffs of and issued by concurring carriers. Such cancellations



must be made by the carrier that issued the tariff that is to be cancelled.

The Commission has dealt specifically with the application of Rule 8 in the following conference ruling No. 50:

**(1) When Joint Agent Publishes a New Rate Between Two Points, Without Cancelling the Old Rate Duly Published by One of the Carriers, the Old Rate on That Line Remains in Effect.**—"The published tariffs of an interstate carrier named a rate of 20 cents on a given commodity between specified points. On October 1, 1907, under a proper power of attorney, a joint agent of all carriers serving those two points published a rate of 22 cents. He failed to cancel the 20-cent rate and it was not formally cancelled by the carrier that published it until January 14, 1908: *Held*, That because of the failure of the joint agent and of the carrier that published it to cancel that rate in the manner required by section 6 of the act, and rule 8 of Tariff Circular 14-A, the 20-cent rate remained the lawful rate of that carrier until formally cancelled on January 14, 1908." (Rule 8 of Tariff Circular 18-A.)

The matter is further dealt with in Conference Ruling No. 101, as follows:

**(2) Cancellations in Tariffs Must be Specific and Complete.**—"Carrier's tariff contains certain rates. Joint agent's tariff cancelled certain of those rates, but the carrier did not issue any corresponding amendment to its tariff, as is required by Rule 8, Tariff Circular 18-A. It is essential that when one tariff cancels a part of another tariff, specific reference to the tariff so affected and to the part thereof so cancelled shall be given, and that, effective on the same date, supplement to the tariff so cancelled in part will show that the specific parts are cancelled by, and that the rates will thereafter be found in . . . . . tariff, I. C. C. No. . . . . In no other way can discriminations

and complaints be avoided. The carrier knows that such parts of its tariff are to be cancelled and that superseding rates are to be shown in another tariff. There is, therefore, no difficulty about arranging its supplement and furnishing it to the proper party to be filed with the issue that contains the superseding rates." (See Conference Ruling 50, and Rule 8, Tariff Circular 18-A.)



## CHAPTER VII.

### CONSTRUCTION OF TARIFFS IN COMPLIANCE WITH REQUIREMENTS OF ACT TO REGULATE COMMERCE AND THE REGULATIONS OF THE INTERSTATE COMMERCE COMMISSION.

§ 1. All Tariffs Must Be Printed.

§ 2. Form and Size of Tariffs.

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(1) Including Commodities Upon Which Rates Are Named in Other Tariffs.

(2) Commodity Item Containing List of Articles Need Not Be Indexed but Once.

(3) Alphabetical Arrangement of Commodity Rates to Each Destination.

(4) Tariff Must Contain All Rates on Commodities Included Therein Between Points Named.

## § 8. Territorial Application of Tariff.

- (1) Alphabetical Index of Points of Origin and Destination.
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- (3) Group Points of Origin or Destination.
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## § 9. Reference Marks and Abbreviations.

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## CHAPTER VII.

### CONSTRUCTION OF TARIFFS IN COMPLIANCE WITH REQUIREMENTS OF ACT TO REGULATE COMMERCE AND THE REGULATIONS OF THE INTERSTATE COMMERCE COMMISSION.

The requirement of the Act to Regulate Commerce (Section 6) is that tariffs shall be "plainly printed in large type" and that the Interstate Commerce Commission may determine and prescribe the form in which the schedules shall be prepared and arranged. The Commission is also authorized to change the form from time to time as it may find expedient.

The regulations of the Commission now in effect governing the construction and filing of freight tariffs and classifications, are comprehensive and in the form of detailed specifications. These specifications follow with illustrative applications:

#### § 1. All Tariffs Must be Printed.

All tariffs, schedules, classifications, exception sheets, supplements and circulars, containing rules, regulations, privileges, billing instructions, shipping guides, allowances, etc., must be printed on hard calendered paper of good quality from type of not less than 6-point full face.

The printing may be done by stereotype, planograph, or other printing-press process.

Alterations or erasures must not be made in tariffs



before filing, nor may reproductions by hectograph or similar process, typewritten or proof sheets, be used either for posting or for filing with the Commission.

## § 2. Form and Size of Tariffs.

(1) **Form.** Tariffs may be made in book, sheet or pamphlet form.

A loose-leaf plan may be used permitting changes to be made by reprinting and inserting a single leaf. (See "Supplements to Tariffs," Chapter IX, page 198.)

(2) **Size.** All tariffs must be 8 by 11 inches in page size.

## § 3. Construction of Tariff.

(1) **Title-Page Requirements.** The title-page of every tariff must show the following:

(2) **I. C. C. Numbers and Cancellations.** The I. C. C. (meaning "Interstate Commerce Commission") number should appear in the upper right-hand corner of the title-page, and immediately below this I. C. C. number should appear the I. C. C. number of numbers of tariffs which the new tariff cancels and supersedes. (See "Exhibit No. 1—(a).")

In the event the number of cancelled tariffs is so large as to render it impracticable to thus enter them immediately under the I. C. C. number on the title-page, such cancellations must be shown immediately following the "Table of Contents" or the index, with notation to the effect that "Cancelled Issues as shown on page —," appearing immediately under the I. C. C. number on the title-page. (See "Exhibit No. 1 (b).")

**Note.**—Every tariff filed with the Interstate Commerce Commission is required to bear an I. C. C. number. Each carrier or agent issuing and filing tariffs must preserve the continuity of its or his I. C. C. numbers, although it

frequently happens that temporarily breaks must occur in the order of the I. C. C. numbers on tariffs as they are filed with the Commission. This is due to the fact that one tariff having been assigned a certain I. C. C. number takes longer than another in the course of preparation. Where the numerical order of I. C. C. numbers can not be observed at any time with respect to tariffs in course of filing with the Commission, memorandum advice must accompany the last number filed, explaining as to missing I. C. C. number or numbers.

A prefix letter may be used with consecutive I. C. C. numbers in a series. Thus, "I. C. C. No. A-2121."

Serial numbers of the carrier, commonly known as the "General Freight Department or tariff" number, or agent, issuing and filing tariff may appear below the upper marginal line of the title-page. (See "Exhibit No. 1—(c).")

Note.—It will be noted in referring to "Exhibit No. 1" that in addition to the I. C. C. and carrier's tariff numbers there appear "C. R. C. No. B-5," with cancellation notices. This number indicates the filing of this tariff with other bodies than the Interstate Commerce Commission. It frequently occurs that a tariff contains both state and interstate rates or Canadian rates, and that the same tariff is filed with the proper state commission, the Canadian Commission and the Interstate Commerce Commission, with the proper numbers of each appearing on the top of the title-page of the tariff. Thus, in this instance, "C. R. C. No. B-5," means "Canadian Railway Commissioners No. B-5." (See "Exhibit No. 1—(d).")

**(3) Issuing Carrier or Agent.** The name of the issuing carrier or carriers, or, in the case of a common or agency tariff, the name of the agent or the name of the committee he represents.

In the case of issuing carriers the name is printed in bold type across the top portion of the title-page. (See "Exhibit No. 1—(e).")

On agency tariffs the name of the agent is usually placed at the center or the right-hand bottom portion of the title-page.

(4) **Kind of Tariff.** The nature or kind of the tariff must be shown, i. e., whether it is a local, joint, proportional, or a combination of the same, and whether the tariff is one naming class rates or commodity rates, or both. (See "Exhibit No. 1—(f).")

Note.—It will be noted that "Exhibit No. 1" is a combination of "joint" and "proportional" tariffs and is termed a "Joint and Proportional Freight Tariff."

(5) **Territorial Application of Tariff.** The points from and to which the rates in the tariff apply must be briefly stated. "Exhibit No. 1" shows that the rates named in the tariff will apply from "all stations on the Chicago & Alton Railroad in Illinois, also Hannibal and Louisiana, Mo., to Atlantic Seaboard, Eastern and Interior United States and Canadian points." (See "Exhibit No. 1—(g).")

(6) **Governing Classification and Exceptions.** A tariff is not governed by a classification or exceptions thereto except when and to the extent stated on the tariff. Reference to the classification and exception sheets governing the tariff must be made by name and I. C. C. number, in the following form: "Governed, except as otherwise provided herein, by the ..... classification, ....., I. C. C. No. ...., supplements thereto and reissues thereof; and by exceptions to said classification, ..... I. C. C. No. ...., supplements thereto and reissues thereof." (See "Exhibit No. 1—(h).")

(7) **Dates.** The date of the tariff's issue and the date it

is intended to become effective must appear upon the title-page. It is customary for these dates to appear in the lower portion of the page, the date of issue on the left-hand side and the date effective upon the right-hand side of the page. (See "Exhibit No. 1—(i-j).")

Note.—It is permissible for a tariff to bear notation that it will expire upon a certain date, but since any tariff may be changed upon the statutory notice of thirty days, or, under special permission of the Commission, upon shorter notice, such a provision in a tariff is not a guaranty that the tariff, or any part of it, will remain in effect until such date. The Commission considers such expiration notices undesirable, because of their liability to cause confusion and errors. The provision, if used, can only mean that the tariff, or any specified part of it, will expire upon the date named unless sooner cancelled, changed, or extended in a lawful way. On such tariffs the term "Expires . . . . ., unless sooner cancelled, changed, or extended," is required by the Commission.

**(8) When Issued Upon Less Than Statutory Notice Under Permission or Order of the Commission.** If a tariff or supplement is issued on less than thirty days' notice by permission, or order, or regulation, of the Commission, such tariff or supplement must bear notation on the title-page to the effect that the tariff "is issued under special permission or order of the Interstate Commerce Commission, No. . . . ., of (date) . . . . .," or "by authority of Rule . . . ., Tariff Circular 18-A," or "by authority of decision of the Interstate Commerce Commission in case No. . . . ."

The title-page used as Exhibit No. 1 was selected for the reason that it illustrates this rule (see Exhibit 1—(k)).

**(9) Notice of Supplements.** Tariff supplements are restricted in number according to the size of the original

tariff, and notation of the number of supplements which may be issued to the tariff must appear in the upper left-hand corner of the title-page, as follows:

On tariffs of less than five (5) pages, or issued in loose-leaf form, the words: "No supplement to this tariff will be issued except for the purpose of cancelling the tariff."

On tariffs containing 5 and not more than 16 pages, inclusive: "Only one supplement to this tariff will be in effect at any time."

On tariffs containing 17 and not more than 111 pages, inclusive: "Only two supplements to this tariff will be in effect at any time." (See "Exhibit No. 1—(1).")

On tariffs containing over 111 pages: "Only three supplements to this tariff will be in effect at any time."

(10) **Officer Issuing Tariff.** The name, title, and address of the officer by whom the tariff is issued must appear upon the title-page, which is generally placed either in the center or right-hand bottom of the page. (See "Exhibit No. 1—(m).")

#### § 4. Table of Contents.

The table of contents is the index of the tariff. The Commission requires that the exact location where information will be found in the tariff must be arranged in a "table of contents" in alphabetical order, under general headings by subjects, specifying the page and item number of the information. This table of contents may be omitted when a tariff contains so small a volume of matter that its title-page, or its interior arrangement, plainly discloses its contents.

The table of contents should appear on the second page of the tariff directly after the title-page. "Exhibit No. 2" is an excerpt from the usual form of tariff index. It will be noted that it shows both item numbers and pages.



## EXHIBIT No. 1.

Only two supplements to this tariff will be in effect at any time. (1)

C. R. C. No. 3-5 (For Cancellations see page 2) (d)

I. C. C. No. 4-761 (For cancellations see page 2.) (a)

C. E. & Q. O. F. O. No. 3639-E (CANCELS Q. F. O. NO. 2639-O)

TARIFF No. 652-E (FOR CANCELLATIONS SEE PAGE 2) (c)

C. R. I. & F. No. 26866-H (CANCELS NO. 26866-O)

**THE CHICAGO & ALTON RAILROAD COMPANY** (e)

**FREIGHT TRAFFIC DEPARTMENT**

IN CONNECTION WITH

PARTICIPATING CARRIERS SHOWN ON PAGES 3 AND 4

**JOINT AND PROPORTIONAL FREIGHT TARIFF** (f)

APPLYING ON

**COMMODITIES**

ALSO

**LIVE STOCK**

FROM

**STATIONS ON CHICAGO & ALTON R. R. IN ILLINOIS** (g)

AND

**HANNIBAL, MO., AND LOUISIANA, MO.**

ALSO FROM

**VANDALIA, MO., SEE ITEMS NOS. 140, 565 AND 570**

TO

**ATLANTIC SEABOARD, EASTERN AND INTERIOR UNITED STATES AND CANADIAN POINTS**

Govered, except as otherwise provided herein, by the Official Classification No. 42, I. C. C.-O. C. No. 42, C. R. C. O. C. No. 42, Tariff No. 2001-O (issued by R. N. Collyer, Agent), supplements thereto and reissues thereof and by exceptions to said classification, Eugene Morris' (Agent), Tariff No. 133-G, I. C. C. No. 406, C. R. C. No. 342, Tariff No. 2038-G, supplements thereto and reissues thereof. (h)

ISSUED JANUARY 13, 1915 EFFECTIVE (i)

ON TRAFFIC TO POINTS IN THE UNITED STATES, JANUARY 23, 1915. (j)

ON TRAFFIC TO POINTS IN CANADA, FEBRUARY 15, 1915. (k)

(EXCEPT AS NOTED IN INDIVIDUAL ITEMS)

Issued under authority of order of the Interstate Commerce Commission of December 15, 1914, in Case No. 5860, Investigation and Suspension Docket No. 333, and Supplemental Order therein of January 4, 1915.

S. G. LUTZ, GENERAL TRAFFIC MANAGER, C. & A. E. R., CHICAGO, ILL.

C. W. GALLIGAN, GENERAL FREIGHT AGENT, C. & A. E. R., CHICAGO, ILL.

ISSUED BY

A. E. LEE, ASSISTANT GENERAL FREIGHT AGENT, C. & A. E. R., CHICAGO, ILL.

J. A. BEHRLE, CHIEF OF TARIFF BUREAU, C. & A. E. R., CHICAGO, ILL. (m)



Some tariffs do not contain item numbers, and the indexing is to the paging alone.

### EXHIBIT No. 2. TABLE OF CONTENTS.

SUBJECT	Page No.	Item No.
Application of Export Rates on Shipments Waybilled at Domestic Rates.....	7	14
Application of Rates from St. Louis, Mo..... .....	6	7

#### Rule 4-a Tariff Circular 18-A.

#### § 5. Showing Cancellations on Second Page of Tariff.

When the number of cancellations are too numerous to be shown under the I. C. C. number on the title-page they should be shown immediately following the table of contents. "Exhibit No. 3" is illustrative of such cancellations.

### EXHIBIT No. 3. CANCELLATIONS.

This tariff cancels tariffs and portions of tariffs as shown below.

ROAD OR AGENT.	Tariff Nos.	I. C. C. No.	P. S. C. Mo. No.	Portion Cancelled.
E. B. Boyd.....	1-H.....	A-602.....	37.....	As described in Supplement No. 22.
E. B. Boyd.....	18-H.....	A-494.....	27.....	As described in Supplement No. 67.
F. A. Leland.....	15-H.....	1035.....	.....	As described in Supplement No. 23.
Eugene Morris.....	.....	546.....	.....	As described in Supplement No. 31.
Atchafson, Topeks & Santa Fe R'y.....	6806-F.....	6685.....	.....	In full.
Chicago & Alton R. R.....	10300-O.....	7279.....	.....	In full.
Chicago & North-Western R'y.....	810-B.....	A-808.....	81.....	As described in Supplement No. 33.
.....	G. F. D. No. 13514..	7204.....	.....	As described in Supplement No. 33.
.....	G. F. Q, 9500-A.....	10625.....	75.....	As described in Supplement No. 33.
Chicago, Burlington & Quincy R. R.....	G. F. O. 2173-H.....	10700.....	25.....	As described in tenth revised page No. 33, seventh revised page No. 51.

#### § 6. Participating Carriers and Concurrences.

The names of issuing carriers, including those for which joint agent issues under power of attorney, and the names

of participating carriers under concurrence, must be shown, alphabetically arranged, as illustrated in "Exhibit No. 4." If the number of participating carriers be less than ten, their names may be shown on the title-page of the tariff, with the form and number of power of attorney or concurrence following the name of each, thus:

"ST. LOUIS SOUTHWESTERN RAILWAY CO.

In connection with

Pine Bluff Arkansas River Railway (FX3—No. 1).

Saline River Railway (FX4—No. 1).

Thornton & Alexandria Railway (FX4—No. 1)."

In the arrangement of the names of participating carriers the form and power of attorney or concurrence should appear as shown in "Exhibit No. 4." By reference to the respective forms of concurrence in Chapter VI and Appendix to this Volume, the extent of authority and concurrence may be determined.

# EXHIBIT No. 4.

## LIST OF ISSUING AND PARTICIPATING CARRIERS.

RAILROADS.	Abbreviations.	Powers of Attorney to	Concurrence to Carriers for which E. B. Boyd is Agent.			Powers of Attorney to
		E. B. Boyd.				F. A. Leland.
		FX1 No.	FX6 No.	FX7 No.	FX8 No.	FX1 No.
Albany & Western R'y Co.	A. & W.	24				
Algoma Central & Hudson Bay R'y Co.	A. C. & H. B.			A-1		
Anthony & Northern R'y Co.	A. & N.			2		4 (Cor.)
Atchison, Topeka & Santa Fe R'y Co.	A. T. & S. F.	66				33
Atlantic Northern R'y Co.	Atl. Nor.			3		
Baltimore & Ohio R. R. Co.	B. & O.			14	52	
Baltimore & Ohio Chicago Terminal R. R. Co.	B. & O. C. T.					
Baltimore & Ohio Southwestern R. R. Co.	B. & O. S. W.		44		34	
Belt Railway Co. of Chicago	Belt R'y.			19		
Canadian Northern R'y.	Can. Nor.	W-40				
Canadian Pacific R'y Co. (Lines Fort William, Ont., and east thereof)	Can. Pac.			E-6		

Rule No. 4-b, Tariff Circular No. 18-A.

## § 7. Index of Commodities.

Inasmuch as the Interstate Commerce Commission treats a commodity not included in the index of commodi-

ties, even though rated in the body of the tariff, as not published, and not, therefore, to be lawfully used, it is important that the shipper should examine the index of commodities in a tariff and be able to determine if his commodity has been indexed as required by law.

A complete index, alphabetically arranged, of all commodities upon which commodity rates are named, must be shown under the following heading:

"Following List Enumerates only such Articles as are given Specific Rates; Articles not Specified will take Class Rates."

This heading is designated in tariffs as "List of Articles," "Alphabetical List of Commodities," "Index of Commodities," etc. (See "Exhibit No. 5.")

In this index all items relating to different kinds or species of the same commodity must be grouped together. Thus—all items of coal must be grouped under "Coal," and descriptive word or words following, as "Coal," Coal—Anthracite," "Coal—Bituminous," etc.

**(1) Including Commodities Upon Which Rates Are Named in Other Tariffs.** Reference should be made, by including in the index of a general commodity tariff, or a combined class and commodity tariff, in the alphabetical order of articles, all articles upon which commodity rates are named in other tariffs applying from any point of origin to any point of destination named in the general or combined commodity tariff. Thus, if rates on "Canned Goods" were named in another tariff, the entry should read, "Canned Goods, I. C. C. 122, G. F. D. 2856," or, in the case of Lumber and Forest Products, "Wood, kindling, I. C. C. No. A—1579, G. F. D. 11166." A carrier may show its general freight department number as well as the I. C. C. number, if it desires to.

**(2) Commodity Item Containing List of Articles Need Not Be Indexed but Once.** When a commodity item refers to a list of articles taking one commodity rate, it need not be indexed but once, provided reference is given to the item or the I. C. C. number of the tariff that contains a list of the articles embraced in the term. Thus, agricultural implements, as a term, embraces numerous articles of farm machinery, etc., and the reference in the index may be put as follows: "Agricultural implements, as described in item . . . . of this tariff," or "as described in Western Classification, I. C. C. No. . . . .," or "Packing-House Products, as described in . . . . . Tariff, I. C. C. No. . . . .". This specific reference to a list of the articles embraced in a general term, obviates the necessity of separately indexing each of such articles.

**(3) Alphabetical Arrangement of Commodity Rates to Each Destination.** The commodity rates should be arranged alphabetically by commodities to each destination shown in the tariff, and reference thereto given in the table of contents. When this is done, no other indexing of commodities is necessary, providing that, if the issuing carrier, or a participating carrier, has in other tariff or tariffs commodity rates applying from any point of origin to any point of destination named in the tariff, a complete list in alphabetical order by commodities of such other tariffs, together with description of character of traffic, territory or points of origin and of destination, and the I. C. C. numbers of tariffs containing such commodity rates shall be shown in the first part of the tariff and shall be specifically referred to in the table of contents.

## EXHIBIT No. 5.

## INDEX OF COMMODITIES.

Following list enumerates only such articles as are given specific rates; articles not specified will take class rates.

COMMODITY.	ITEM No.	COMMODITY.	ITEM No.
<b>A</b>		Bottles, Broken.	480
Acid, Hydrochloric .....	125, 130	Boxboard .....	360, 375
Acid, Muriatic...	125, 130	Boxes, Bottle ...	480
Acid, Nitric.....	125, 130	Boxes, Straw-board .....	360
Acid, Nitrating..	125, 130	Boxes, Wood-Pulp Board ...	360
Acid, Sulphuric	125, 130	Braces, Shank...	545, 550
Agricultural Implements .....	25, 135, 450, 455	Brackets .....	25, 390
Agricultural Implements, Parts of .....	25, 135, 450, 455	Bran .....	{ C. & A. Tariff No. 254-D, I. C. C. No. A-693, supplements thereto and reissues thereof.
Alcohol .....	340		
Alcohol, Denatured or Wood	340		
Alcoholic Liquors, .....	340	Brandy .....	340
Alumina, Sulphate of.....	140	Brick .....	175
Apples, Green...	215, 510, 700	Brick, except Bath and Enamelled, and articles taking the same rates.	{ C. & A. Tariff No. 1171-C, I. C. C. No. A-484, supplements thereto and reissues thereof.
Apple Waste...	215, 510, 700		
Asparagus .....	215, 510, 700		
Asphalt .....	465	Brushes .....	545, 550
Asphaltum .....	435	Buckles .....	545, 550
Axles, Old.....	320	Buckram .....	545, 550
<b>B</b>		Burlap .....	545, 550
Bags, Burlap ...	145	Butter .....	195
Bags, Gunny....	145	Butts .....	25
Bags, Paper.....	360		



It will be noted that under "Bran and Brick," reference is made to rates in other tariffs. (Rule No. 4-c, Tariff Circular No. 18-A.)

(4) **Tariff Must Contain All Rates on Commodities Included Therein Between Points Named.** Local tariffs on single commodities, or a few commodities, must contain all of the issuing carrier's commodity rates on the commodity or commodities named, applying from any point of origin to any point of destination named in the tariff. Likewise, joint commodity tariffs must contain all of the initial carrier's commodity rates on the commodity or commodities named, applying from any point of origin to any point of destination named in the tariff via the route or routes established by the tariff.

The shipper should realize that these requirements in the indexing of tariffs, make certain the location of the lowest legally applicable rate. If rates are not indexed as required, they are not lawful rates and may not be used.

Where a tariff applies rates on not more than ten commodities, such commodities may be named on the title-page of the tariff, thus:

#### EXHIBIT No. 6.

### LOCAL AND JOINT RATES

ARK. CENT. E. R. No. 204-C  
(Cancels No. 206-B)

MO. PAC. No. 2643-B  
(Cancels No. 2643-G)

—ON—

## Rough Lumber, Logs, Bolts, Billets, Rough Staves, Heading and Flitches CAR LOADS

Rule No. 4-c, Tariff Circular No. 18-A.

#### § 8. Territorial Application of Tariff.

(1) **Alphabetical Index of Points of Origin and Destination.** An alphabetical index of points from which rates



apply, and an alphabetical index of points to which rates apply, together with names of states in which such points are located, must appear in the first part of the tariff and before the application of rates. Whenever practicable the index numbers of points and pages upon which rates to or from such points appear, or the item numbers containing the same, should be shown.

In case the points of origin or of destination do not exceed 12 in number, the names of such points may, if practicable, be shown on the title-page of the tariff. Thus:

### EXHIBIT No. 7.

**Chicago, Ill., Milwaukee, Wis.,**  
**—TO—**  
**Cincinnati, Ohio                      Louisville, Ky.**  
**Evansville, Ind.                      Madison, Ind.**  
**Indianapolis, Ind.                      New Albany, Ind.**  
**Jeffersonville, Ind.                      Owensboro, Ky.**

(2) Application of Index Station Numbers to Points of Destination. "Exhibit No. 8" illustrates such application, together with page in which rates will be found in tariff. Thus, the class rates to Aberdeen, N. C., will be found on page 1, opposite station number 2, and commodity rates will be found on page 120, opposite station number 1.

### EXHIBIT No. 8.

#### INDEX TO POINTS TO WHICH RATES APPLY.

Station.	Classes.		Commodities.		Station.	Classes.		Commodities.		Station.	Classes.		Commodities.	
	Page No.	Sta. No.	Page No.	Sta. No.		Page No.	Sta. No.	Page No.	Sta. No.		Page No.	Sta. No.	Page No.	Sta. No.
A					Asylum.....N. C....	50	31	154	44	Belhaven.....N. C....	91	22	198	18
Aberdeen.....N. C....	1	2	120	1	Asylum.....Va....	53	3	153	43	Bell's Crossing.....B. C....	24	3	134	2
Alberville.....S. C....	1	1	116	1	Adams.....S. C....	15	14	135	16	Belleville.....Va....	19	12	131	1
Abbottaburg.....N. C....	35	30	140	14	Alkimo.....N. C....	22	4	132	53	Belleville Jct.....Va....	18	14	130	53
					Atlantic Coast Line Junction.....N. C....	91	26	189	23	Belmont.....N. C....	73	4	178	16
								1209	60					

(3) Group Points of Origin or Destination. It frequently happens that a tariff names the same rate from

twenty different points of origin to a certain point of destination, or, on the other hand, from one point of origin to fifty destination points. Instead of making a separate rate item for each of the twenty origin points, or each of the fifty points of destination, the tariff is arranged by groups of origin or destination, by bases, or bases number. All points in a group must be alphabetically indexed with the proper group, basis, or basis number shown opposite each point. (See "Exhibit No. 9.")

## EXHIBIT No. 9.

## INDEX TO POINTS FROM WHICH RATES APPLY.

STATION.	Page No.	Group No.	STATION.	Page No.	Group No.
Alberta..... Va.	XVIII	A	Kilby..... Va.	XVIII	K
Altavista..... Va.	XVIII	G	Lyeburg..... Va.	XVIII	O
Albana..... Ga.	XVIII	N	Meherrin..... Va.	XVIII	A
Atlanta..... Ga.	XVIII	M	Norfolk..... Va.	XVIII	C
Augusta..... Ga.	XVIII	O	Palatka..... N. C.	XVIII	L
Berkeley..... Va.	XVIII	R	Petersburg..... Va.	XVIII	B
Burkesville..... Va.	XVIII	J	Pinners Point..... Va.	XVIII	P
Charleston..... S. C.	XVIII	P	Perquimans..... Va.	XVIII	E
Columbia..... Va.	XVIII	A	Richmond..... Va.	XVIII	A
Jarratt..... Va.	XVIII	L	Roanoke..... Va.	XVIII	H
Johnson City..... Tenn.	XVIII	L	Suffolk..... Va.	XVIII	D

Exhibit No. 9 contains an alphabetical group arrangement of points of origin. The group basis is indicated by letters of the alphabet, with the tariff paging also shown. We find that Alberta, Va., Jarratt, Va., Meherrin, Va., and Richmond, Va., are included in group "A," which means to the points of destination applying group "A" rates, the rate from each of the origin points shown in group "A" is the same. The use of a "basis" or "basis number" would be indicated thus: Group "A" points would take "Richmond basis" of rates; that is, each of the points named as being in group "A" would take to destinations indicated the same rates as shown from Richmond. Or, if a basis number were used, a numeral instead of the letter "A" could have represented the group, and the rates to destinations indicated by that basis number.

If a tariff is so constructed as to show not only rates by

groups or bases, but also specific rates to or from individual points, it must contain an alphabetical index of such individual points and also alphabetical lists of the points contained in the groups, or specific reference to the I. C. C. number of a tariff which does contain lists of such group points.

(4) **Traffic Territorial or Group Descriptions.** These may be used to designate points to or from which rates named in the tariff apply. In such case, the points in such traffic territories or groups must be alphabetically indexed in the tariff, or specific reference given to I. C. C. number of tariff containing such alphabetical list of points. All of the points in the traffic territories or groups named in the tariff may be included in one alphabetical index, but points of origin and points of destination must be shown separately, and the name or names of roads upon which points are located, and the traffic territorial or group description is shown opposite the several points. Thus, the points under traffic territorial group known as "Chicago Rate Points," are properly indexed as per "Exhibit No. 10."

### EXHIBIT No. 10.

**GEOGRAPHICAL LIST OF STATIONS FROM WHICH RATES NAMED HEREIN APPLY**  
(For Alphabetical List, of Stations from which Rates Apply, see Item No. 4.)

Index No.	Station	Rates to Apply	Index No.	Station	Rates to Apply
	<b>Baltimore &amp; Ohio Railroad</b>			<b>Chicago &amp; North-Western Railway</b>	
1	Chicago.....	Ill	100	Chicago.....	Ill Chicago
2	*Union Stock Yards.....	Ill			
3	South Chicago.....	Ill	101	Niles Center.....	Ill
4	Brookdale.....	Ill	102	Desplains.....	Ill
5	Rock Island Junction.....	Ill	103	Evanston.....	Ill
6	One Hundredth St.....	Ill	104	Summerdale.....	Ill
7	Whiting.....	Ind	105	Rose Hill.....	Ill
8	Indiana Harbor.....	Ind	106	*Keokuk.....	Ill
9	Gary.....	Ind	107	Rogers Park.....	Ill
			108	*Calvary.....	Ill

(5) **Alphabetical Arrangement of Points in Rate Tables.** Tariffs are sometimes constructed to consist of rate tables

showing points of origin and of destination in continuous alphabetical order, or arranged alphabetically by states, and such states alphabetically arranged; or, such points are shown by groups alphabetically arranged. In this case, no index of points of origin or of destination is required.

The table of contents, however, must indicate the pages upon which points are so shown, and when arranged by states or groups, specific reference must be given in table of contents to pages on which rates to or from points in each state or group will be found.

(6) **Geographical Description.** When a tariff applies to or from all points in one or more states, or when it applies to or from all points in a state, except those specified, a geographical description may be used as follows:

### EXHIBIT No. 11.

—FROM—

**St. Louis, Mo., East St. Louis, Bixby, Cairo, Thebes, Ill.  
and Memphis, Tenn.,**

—TO—

**STATIONS IN ARKANSAS AND LOUISIANA**

—ON THE—

**ST. LOUIS SOUTHWESTERN RAILWAY,**

The list of exceptions for a single state should not exceed one-third of the number of points in the state to or from which, as the case may be, rates in the tariff apply.

This geographical description may be combined with specific point description, as follows:

“From all points in the states of New York, Pennsylvania, and New Jersey, and from all points in the state of Delaware, except (here set out alphabetical list of excepted

points), and from the following points in Ohio (here giving alphabetical list of the Ohio points)."

## § 9. Reference Marks and Abbreviations.

Explanations of reference marks, symbols, and technical abbreviations, appear in tariffs, generally following the index of points. The list of explanations of abbreviations, etc., may be located by referring to the table of contents.

### EXHIBIT No. 12.

#### REFERENCE MARKS—EXPLANATION OF

##### Item No. 1.

- \* No Agent. Freight must be prepaid
- 1 Applies carload only.
- ‡ Applicable only on Canned Meats, carload.
- † Applicable only on Canned Beef, Pork and Sausage, less carload.
- ‡ Rates are not applicable from Meherrin, Va.
- Applicable on Sugar only.
- Not Applicable on Fire Brick.
- @ Applicable only on Sugar, in hogsheads, or double sacks, or in cartons, or in sacks packed in boxes; rate on Sugar, in barrels, 40 cents per barrel.
- Applicable only from Johnson City, Tenn., and Carolina, Clinchfield & Ohio Railway.
- Applicable only from Paint Rock, N. C.
- a Applicable only on Hay.
- b Applicable less carload only. Carload rates are specifically provided for in Groups Nos. 35, 37, 52, 96 and 97.
- n Flour, in barrels, 35 cents per barrel.
- q Does not apply on Shucks.
- u Applicable only on Molasses, in barrels, in cents per barrel. Rate on Sugar, 40 cents per barrel.
- y Applicable only in barrels, in cents per barrel.
- z Applicable on carloads only. Rate, less carloads, 38 cents per 100 pounds.
- re Not applicable on Molasses and Glucose, in barrels or hogsheads, or when in tank cars.
- ff Applicable on Molasses and Glucose, in barrels or hogsheads, any quantity, or when in tank cars.
- gg Applies on Coffee, rated Fifth Class, in Southern Classification No. 36 (W. R. Fowle's L. C. C. No. 11) or reissues thereof, except Coffee, green, in double sacks.
- hh Applies on Coffee, green, in double sacks.
- pp Applies only on Faving Brick.

#### ABBREVIATIONS—EXPLANATION OF

##### Item No. 2.

A. C. L.—Atlantic Coast Line.  
Bbl.—Barrel.  
Bet.—Between.  
C. H.—Court House.  
C. L.—Carloads.  
Co.—County.  
Cont.—Continued.  
Jct.—Junction.  
K. D.—Knocked Down.  
Lbr.—Lumber.  
Lbs.—Pounds.  
L. C. L.—Less than Carloads.  
Mt.—Mount.

N. O. S.—Not Otherwise Specified.  
O. R. B.—Owner's Risk Breakage.  
O. R. L.—Owner's Risk Leakage.  
Oz.—Ounce.  
R. R.—Railroad.  
Ry.—Railway.  
S. A. L.—Seaboard Air Line.  
So.—Southern.  
Sprgs.—Springs.  
St.—Saint.  
V. & C. S.—Virginia and Carolina Southern.  
Viz.—Namely.

Reference marks to "Explanation of Abbreviations" appear in the rate tables, thus:

Durham.....N. C.	<table><tr><td>A</td><td>B</td></tr><tr><td>C</td><td>D</td></tr><tr><td>E</td><td>F</td></tr></table>	A	B	C	D	E	F	61	51	42	32	28	21	17	22	h21	h18	28	32	h42	25	14	190	220	3500	2600	2200
A	B																										
C	D																										
E	F																										
*East Durham.....N. C.	<table><tr><td>E</td><td>F</td></tr></table>	E	F																								
E	F																										

The asterisk preceding "East Durham" means that there is no agent at that point, and all freight must be prepaid.



• Rates with prefix "a" governed by Official Classification No. 34 (F. S. Holbrook's I. C. C.—O. C. No. 34), Supplements thereto and resissues thereof, and by exceptions to said Classification enumerated in Norfolk & Western Railway Circular No. 210 D (I. C. C. 2600), Supplements thereto and resissues thereof. Such rates to be used when lower than rates with prefix "f."

c Flour, in sacks, 20 cents per 100 pounds.

For Explanation of Abbreviations and Other Reference Marks see Page XXXII, Items Nos. 1 and 2.

If exceptions to the classification other than those designated on the title-page govern the rates, a list of such exceptions should appear in the first part of the tariff, thus:

### EXCEPTIONS TO THE CLASSIFICATION.

The application to the rates, of the exceptions to the classification, is indicated by the item numbers. Thus, in rate item 1, the rates from the points indicated to Middleton, Tenn., are subject to the exceptions to classification in item 1 of "Exceptions to Classification," the notation, "See Item 1, Page 26," referring thereto. The effect of the ex-



ception in item 1 is to make the rates to Middleton subject to Southern Classification as indicated.

### § 11. Explanatory Statements.

A tariff should be so arranged that there may be no question of its meaning. Hence, if any statement or explanation is necessary to remove any doubt of the proper application of the rates or the rules contained in the tariff, it should be contained in a clear and explicit "Explanatory Statement," properly indexed in the table of contents. This statement is sometimes termed "Explanatory Notes," or "Special Instructions," or "General Instructions," or "Special Notices." "Explanatory Statements" is sometimes made sufficiently broad to include routing and rules and regulations governing the general application of the rates.

### § 12. Rules Governing Tariff.

One of the most important features of tariff construction, and consequently its interpretation, is the application of the rules, regulations and exceptions to the rates. There could be but little cause for confusion were rates at all times applied as they are apparently expressed in the rate tables to the points as indexed in the tariff. Certain rules and regulations, which do not appear in direct connection with the rate, govern the shipment of certain articles at all times. Thus, if a tariff contain no rules or regulations, but, upon its title-page, provides that the rates shall be governed by the current issue of a general classification, the rules and regulations of that classification govern the tariff of rates. Many times the observance of such rules materially affects the rate.

Rules and regulations which govern a tariff must be set forth in tariff under proper headings or titles in bold type, except that if a special rule applies to a particular rate it

must be shown in connection with and on the same page with the rate. This feature is illustrated in connection with "Exhibit No. 12," explanation of reference marks and abbreviations. Under the heading of "Rules and Regulations" every rule, regulation, or condition, which in any way affect the rates in the tariff, must be entered.

No rule or regulation may be included in the tariff which in any way, or in any terms, authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part.

The commonest methods of including the Rules and Regulations in a tariff are illustrated in Exhibit No. 14.

### EXHIBIT No. 14.

#### RULES AND REGULATIONS.

The following Rules and Regulations must be observed in connection with rates shown herein.

#### GENERAL RULES.

Item No.	SUBJECT.	INSTRUCTIONS.																														
1	Application of Tariff.	<p>In the absence of specific rates to points of destination named in this Tariff, rates on Classes and Commodities published herein will apply as basing rates in constructing through rates from points in the following States and Territories, viz.:</p> <table><tr><td>Arkansas</td><td>Illinois</td><td>Louisiana</td><td>Nebraska</td><td>Oklahoma</td><td>Utah</td></tr><tr><td>Arizona</td><td>Indiana</td><td>Michigan</td><td>Nevada</td><td>Oregon</td><td>Washington</td></tr><tr><td>Colorado</td><td>Iowa</td><td>Minnesota</td><td>New Mexico</td><td>South Dakota</td><td>West Virginia</td></tr><tr><td>California</td><td>Kansas</td><td>Missouri</td><td>North Dakota</td><td>Tennessee</td><td>Wisconsin</td></tr><tr><td>Idaho</td><td>Kentucky</td><td>Montana</td><td>Ohio</td><td>Texas</td><td>Wyoming</td></tr></table> <p>Through rates will be made by adding to the rates named herein from the Base Point (as specified in Groups A to R, Item 1, page XXVIII) the published rates from points in the described States and Territories to said Base Points, lawfully on file with the Interstate Commerce Commission.</p>	Arkansas	Illinois	Louisiana	Nebraska	Oklahoma	Utah	Arizona	Indiana	Michigan	Nevada	Oregon	Washington	Colorado	Iowa	Minnesota	New Mexico	South Dakota	West Virginia	California	Kansas	Missouri	North Dakota	Tennessee	Wisconsin	Idaho	Kentucky	Montana	Ohio	Texas	Wyoming
Arkansas	Illinois	Louisiana	Nebraska	Oklahoma	Utah																											
Arizona	Indiana	Michigan	Nevada	Oregon	Washington																											
Colorado	Iowa	Minnesota	New Mexico	South Dakota	West Virginia																											
California	Kansas	Missouri	North Dakota	Tennessee	Wisconsin																											
Idaho	Kentucky	Montana	Ohio	Texas	Wyoming																											

**RULES AND REGULATIONS GOVERNING THE RATES  
NAMED IN THIS TARIFF****Terminal Facilities and Deliveries.**

The rates named herein apply from and to the tracks, stations or other receiving and delivering points on, or to and from private sidings connected with lines parties to this tariff, where the particular traffic is usually received or delivered, and also include the use of receiving and delivering facilities of such stations, or other receiving and delivering points, or private sidings, subject, nevertheless, to such changes (if any) for switching, terminal service, storage, icing and all other charges and any rules and regulations that may in anywise change, affect or determine any part, or the aggregate of such rates as well as any privileges or facilities granted or allowed, as are, or shall be, published by any of the lines parties to this tariff, and any other charges for strictly local service or regulations incidental thereto, lawfully on file with the Interstate Commerce Commission on Interstate traffic or with the various State Commissions on Intrastate traffic.

The rates will also apply to and from such tracks, stations or other receiving and delivering points on, or to and from private sidings connected with connecting lines not parties to this tariff, when and as designated and provided for in delivery tariffs published by any of the lines parties to this tariff, lawfully on file with the Interstate Commerce Commission on Interstate traffic or with the various State Commissions on Interstate traffic.

**GENERAL RULES.**

Freight transported under this tariff, in addition to rates provided for herein, will be subject to current rules and regulations of the Chicago & Alton Railroad while in its possession, and of participating carriers while in their possession, which are published and lawfully on file with the Interstate Commerce Commission on Interstate Traffic, and the State Commission on Intrastate Traffic, relating to

Car Demurrage.

Storage.

Car Service.

Switching.

Mileage for Private Cars.

Terminal Service.

Reconsignment.

Weighing and Inspection.

**Other Charges.**—Also all other charges and any rules or regulations that may in anywise change, affect or determine any part or the aggregate of the rates named herein, as well as any privileges or facilities granted or allowed.

Rules and regulations affecting the rates in a tariff may embrace any number of subjects, but the rule is inflexible that every rule, regulation and condition in any wise affecting any of the rates in a tariff must be shown therein. These rules may embrace Fast Freight Line Guide Books, Application of particular rates to or from particular points, Definition of traffic territorial terms, Description of Commodities and their preparation for shipment, Reference to Demurrage Regulations and Charges, Terminal and Transit Privileges and Allowances, Minimum and Maximum Weights, Specific Description of Classifications, Application of Proportional Rate Bases, Application Export and Import Rates, Descriptions of Gateways, Billing Instructions, Termini and Intermediate Terminal Rules, Regulations and Conditions, etc.

### § 13. Rule Governing Explosives.

If a tariff contains rates for the transportation of explosives, it must also contain a notation that such rates are applicable in connection and in compliance with the regulations governing the transportation of explosives fixed by the Interstate Commerce Commission. If the tariff is governed by a general classification which contains this notice, it is not necessary to repeat the notation on the tariff of rates. Where the tariff contains such notation, it may be shown as indicated in Exhibit No. 15, page 158.

## EXHIBIT No. 15.

## RULES AND REGULATIONS—Continued.

The following Rules and Regulations must be observed in connection with rates shown herein.

## GENERAL RULES.

Item No.	SUBJECT.	INSTRUCTIONS.
3	Explosives — Regu- lations for trans- portation of same.	Rates named herein as applicable on Explosives are applicable in connection and in compliance with the regulations fixed by the Interstate Commerce Commission.

## § 14. Rules Circulars.

In the event it is impracticable to include in a tariff all of the rules and regulations which may in any way affect the rates, a carrier or agent may publish, under proper I. C. C. number, post, and file a tariff publication containing the rules and regulations which govern certain tariffs of rates, making such publication a part of the tariff of rates by specific reference in terms, "Governed by rules and regulations shown in . . . . . I. C. C. No. . . . ." In the past, rules and regulations were frequently published in what were termed "rules circulars," but such circulars must now conform in all respects to a tariff publication. Such a publication is illustrated by Exhibit No. 16.

When reference is made in a tariff to another tariff in this manner, the I. C. C. number of such other tariff must be shown, and if the tariff referred to is the publication of another carrier or agent, the initials of such other carrier or agent, respectively, must be shown in connection with



## EXHIBIT No. 16.

Only two Supplements to this Circular will be in effect at any time.

To be released, effective on or before  
October 10, 1916.

I. C. C. No. A-612.  
Cancels I. C. C. No. A-608.

P. S. C. Mo. No. 45.  
Cancels P. S. C. Mo. No. 38.

O. R. O. No. A-578.  
Cancels C. R. C. No. A-258.

I. P. U. C. No. 80.  
Cancels I. P. U. C. No. 8.

Mich. R. C. No. 60.  
Cancels Mich. R. C. No. 60.

Minn. R. C. No. 27.  
Cancels Minn. R. C. No. 24.

Ind. R. C. No. A-44.  
Cancels Ind. R. C. No. A-41.

## CIRCULAR No. 1-M

(Cancels Circular No. 1-L)

OF

## WESTERN TRUNK LINES.

ATCHISON, TOPEKA & SANTA FE RAILWAY.  
"Santa Fe System" Circular No. 2024-F.

CHICAGO & ALTON RAILROAD.  
Tariff No. 2510-K.

CHICAGO & NORTH WESTERN RAILWAY.  
O. F. D. No. 6738-N.

CHICAGO, BURLINGTON & QUINCY RAILROAD.  
O. F. O. No. 3333-N.

CHICAGO GREAT WESTERN RAILROAD.  
Tariff No. 1681-L.

CHICAGO, MILWAUKEE & OARY RAILWAY.

CHICAGO, MILWAUKEE & ST. PAUL RAILWAY.  
O. F. D. No. 3500-N.

CHICAGO, PEORIA & ST. LOUIS RAILROAD.  
A-7256-M.

CHICAGO, ROCK ISLAND & PACIFIC RAILWAY.  
Classification No. 62-J.

CHICAGO, ST. PAUL, MINNEAPOLIS & OMAHA  
RAILWAY.  
O. F. D. No. 3360-C.

ELGIN, JOLIET & EASTERN RAILWAY.

FT. DOGGE, DES MOINES & SOUTHERN RAIL-  
ROAD.  
O. F. D. No. 1181-D.

GREAT NORTHERN RAILWAY.  
O. F. O. No. 360-B.

ILLINOIS CENTRAL RAILROAD  
Tariff No. 2711-N.

IOWA & ST. LOUIS RAILWAY.  
Circular No. 3-R.

KANSAS CITY SOUTHERN RAILWAY.  
"Port Arthur Route System" Classification No. 7-M.

MINNEAPOLIS & ST. LOUIS RAILROAD.  
Tariff No. 2610-K.

MINNEAPOLIS, ST. PAUL & SAULT STE.  
MARIE RAILWAY.  
O. F. D. No. 21100.

MISSOURI, KANSAS & TEXAS RAILWAY,  
Tariff No. 9265-L.

MISSOURI PACIFIC RAILWAY.  
Circular No. 66-M.

NEW YORK CENTRAL RAILROAD,  
O. F. O. No. 1095-M.

NORTHERN PACIFIC RAILWAY.  
Tariff No. 424-M.

QUINCY, OMAHA & KANSAS CITY RAILROAD.  
Circular No. 3-B.

ST. LOUIS & SAN FRANCISCO RAILROAD.  
Tariff No. 1170-M.

UNION PACIFIC RAILROAD  
O. F. O. No. 1143.

WABASH RAILWAY.

See pages 6, 7 and 8 for list of issuing carriers.

See pages 4 and 5 for cancellations of Individual Lines' Numbers.

## Rules, Regulations and Exceptions to Classifications.

Rules, Regulations and Exceptions shown herein will take precedence over the classifications governing tariffs made subject hereto.

RULES, REGULATIONS AND EXCEPTIONS PUBLISHED IN THIS CIRCULAR APPLY AS INDICATED IN THE VARIOUS SECTIONS HEREOF.

SPECIFIC RULES PROVIDED IN TARIFFS GOVERNED BY THIS CIRCULAR WILL TAKE PRECEDENCE OVER RULES PROVIDED HEREIN.

ISSUED FEBRUARY 25, 1916.

EFFECTIVE APRIL 10, 1916.  
(Except as noted in Individual Rules.)

Issued by  
E. B. BOYD, Agent,  
CHICAGO, ILL.

(18000)

File No. 28.



its I. C. C. number. While a tariff of rates may thus refer to another tariff publication for governing rules and regulations, such other publication must be on file with the Commission and posted at every place where the tariff of rates referring to it is posted.

Rule 4-h, Tariff Circular 18-A, reads as follows:

“(h) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate.

“No rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff, of which the rule or regulation is a part.

“Tariffs which contain rates for the transportation of explosives must also contain notice that such rates are applicable in connection and in compliance with the regulations governing the transportation of explosives fixed by the Interstate Commerce Commission. If tariff is governed by classification, it will be sufficient to include this notice in the classification referred to as governing the tariff. (See Rule 65.)

“A carrier or an agent may publish, under I. C. C. number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such rate schedules by the specific reference ‘Governed by rules and regulations shown in . . . . . I. C. C. No. . . .’

When a tariff makes reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

"A rate schedule may in like manner refer to another schedule for the governing rules and regulations.

"A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted."

While Rule 4-h calls for reference by I. C. C. number to any tariff naming rules or regulations to be used in connection with a tariff naming rates, this has particular reference to exceptions to classification and special rules governing rates such as illustrated by Exhibit No. 16, and not to rules covering storage, reconsigning, transit and such special privileges. Special privilege tariffs, under authority of Rule 10-A of Tariff Circular 18-A (quoted on page 162), are usually connected with tariffs naming rates, by incorporating therein a so-called "general rules clause," as illustrated by Exhibit No. 14, thereby affecting the application of such rules or privileges without specific reference being made to the I. C. C. number covering same. Therefore a shipment moving under a tariff carrying a "general rules clause" is subject to all special privileges, such as storage, reconsigning or other rules or regulations which may in anywise change, affect or determine any part or the aggregate of the rates named in the tariff under which it is moving, either over the lines of the publishing carrier or any participating carrier, except in cases where the tariffs or circulars containing such rules or regulations provide that they shall be referred to specifically.

Rule 10-A, Tariff Circular 18-A, reads:

“(a) Each carrier shall publish, with proper I. C. C. numbers, post, and file separate tariffs which shall contain in clear, plain, and specific form and terms all the terminal charges and all allowances, such as arbitraries, switching, icing, storage, elevation, diversion, reconsignment, transit privileges, and car service, together with all other privileges, charges, and rules, which in any way increase or decrease the amount to be paid on any shipment as stated in the tariff which contains the rate applicable to such shipment, or which increase or decrease the value of the service to the shipper. Such tariffs must stipulate clearly the extent of such privileges and the charges connected therewith, and shall also state whether or not the rate published by the initial carrier from the point of origin to ultimate destination will apply. If the through rate does apply it must be as of the date of shipment from point of origin.

“If such privilege is granted or charge is made in connection with the rate under which the shipment moves from point of origin, the initial carrier’s tariff which contains such rate must also show the privilege or the charge or must state that shipments thereunder are entitled to such privileges and subject to such charges according to the tariffs of the carriers granting the privileges or performing the services, as ‘lawfully on file with the Interstate Commerce Commission.’ ”

### § 15. Routes via Which Rates Apply.

Tariffs of joint rates frequently apply via routes established by the several carriers parties to the tariff. When a tariff shows no routing directions, the joint rates in the tariff are applicable via the routes or lines of any and all of the carriers parties to the tariff. A shipper must not

be required to pay higher charges on his shipment than those stated in the tariff because the carriers have not agreed upon the divisions of the rates via the junction through which his shipment moved. In case the carrier's agent sends the shipment via a route or junction point that is covered by the tariff, but via which no division of the rate has been made, the carriers must agree among themselves upon the division of the rate. (Shippers should acquaint themselves with the following rules governing routing and misrouting as issued by the Commission: Misrouting—Conf. Rulings Nos. 25, 32, 83, 90, 91, 93, 113, 137, 139, 140, 143, 147, 159, 167, 168, 186, 190, 192, 199, 214, 220, 230, 231, 234, 243, 253, 284, and 286; Routing—Conf. Rulings Nos. 72, 137, 140, 147, 159, 168, 183, 186, 190, 192, 199, 205, 214, 230, 231, 243, 284, 286, and 321.)

The routes via which the rates in a tariff apply may be shown, together with appropriate reference to application of rates. If the tariff specifies routes, the rates can not be applied via any routes not so specified. It is permissible for a tariff to show the routing ordinarily and customarily to be used and to further provide that, if from any cause shipments are sent via other junction points but over lines of carriers parties to the tariff, the rates will apply. Exhibit No. 17 illustrates different methods of showing routes and routing directions in a tariff.

The first method of showing routes is by lines only, omitting the names of junction points or gateways. In the absence of a showing of the junction point, and the line shown made connections with initial or intermediate carrier, at two different points, rates in the tariff would have to be protected via each junction.

The application of the rates to these routings is indicated by the route number shown in the table of rates, entitled "Class Routes." The rates from groups of origin

## EXHIBIT No. 17.

Item No. 2.

## ROUTING TO POINTS OF DESTINATION.

As shown on pages 1 to 214, inclusive.

Route No.	To Be Used in Connection With Initial Lines at Points of Origin, as Specified in Item No. 1, Named Above.	Route No.	To Be Used in Connection With Initial Lines at Points of Origin, as Specified in Item No. 1, Named Above.
1	Via Atlantic Coast Line Railroad.	12	{ Via Atlantic Coast L. R. R. Norfolk & Southern Ry.
2	Via Norfolk & Southern Railway.	13	{ Via Atlantic Coast L. R. R. Norfolk & Southern Ry. Southern Railway fNorfolk & Western Ry.
3	{ Via Seaboard Air Line Ry. fNorfolk & Western Ry.	14	{ Via Atlantic Coast L. R. R. Seaboard Air Line Ry. Southern Railway.
4	{ Via Southern Railway. fNorfolk & Western Ry.		
5	{ Via Atlantic Coast L. R. R. Seaboard Air Line Ry. fNorfolk & Western Ry.		

## CLASS RATES.

STATION NO.	TO	From Groups of Origin See page XXVIII, Item No. 57	IN CENTS PER ONE HUNDRED LBS.													In Cents per 100 Lbs.		In Cents Per Ton 2,000 Lbs.	
			1	2	3	4	5	6	A	B	C	D	E	H	F	J	K	L	M
1 5 5	COLUMBIA, NEWBERRY AND LAURENS R. R.—Continued.	ABC	84	79	64	52	43	40	24	34	28	25	45	55	50		19	240	350
		DEF																	
		GHI	70	60	50	43	36	28	19	26	24	20	36	43	48		16	215	275
		MN	02	52	42	39	31	24	17	22	21	15	31	39	42		12	145	245
		P	44	39	33	30	22	20	14	19	13	12	22	30	24	24	10	100	170
	*Gary _____ S. C.																		
	*Kinard _____ S. C.																		
	Goldville _____ S. C.																		

A, B, and C, for instance, to Gary, S. C., on the line of the Columbia, Newberry and Laurens R. R., are shown applying via Route No. 5. Turning to the Routing Direc-



tions we find Route No. 5 to be via Atlantic Coast Line R. R., Seaboard Air Line Ry., or Norfolk & Western Ry.

# EXHIBIT No. 17—Continued.

Routes are also shown as follows:

## ROUTES VIA WHICH RATES APPLY.

Rates named herein will apply only on shipments forwarded via routes indicated below:

FROM	ROUTE VIA
Cairo ..... Ill.	Danville, Ill., Chicago, Indiana & Southern R. R. and Indiana Harbor Belt R. R.
East St. Louis.....Ill.	
Evansville .....Ind.	
St. Louis .....Mo.	
Terre Haute .....Ind.	
Vincennes .....Ind.	

Routes may be shown by means of route numbers showing application of rates in rate table, with explanatory key for route numbers. Thus:

# EXHIBIT No. 17—Continued.

## Key to Routing.

The rates named in this tariff and supplements thereto, will only apply on shipments forwarded to Spokane, Wash., and Common Points, shown on pages 13 to 17, inclusive, hereof, when routed as indicated by the following numbers shown opposite each station:

Route No.	Via	Junction	Connecting Line	Junction	Connecting Line	Junction	Connecting Line
1	C. B. & Q. R. R.	Billings, Mont.	N. P. Ry.				
1a	C. B. & Q. R. R.	Billings, Mont.	N. P. Ry.	Rathdrum, Ida.	I. & W. N. R. R.		
1b	C. B. & Q. R. R.	Billings, Mont.	N. P. Ry.	Wallace, Ida.	O. R. & N. Co.		
1c	C. B. & Q. R. R.	Billings, Mont.	N. P. Ry.	Spokane, Wash.			
1d	C. B. & Q. R. R.	Billings, Mont.	N. P. Ry.	or Pasco, Wash.	S. P. & S. Ry.		
2	G. N. Ry.			Spokane, Wash.	S. P. & S. Ry.		
2a	C. B. & Q. R. R.	Billings, Mont.	G. N. Ry.				
3	G. N. Ry.	Spokane, Wash.	O. R. & N. Co.				
3a	G. N. Ry.	Spokane, Wash.	O. R. & N. Co.	Garfield, Wash.	N. P. Ry. (See note.)		
3b	G. N. Ry.	Newport, Wash.	I. & W. N. R. R.				



## EXHIBIT No. 17—Continued.

## SPECIAL COMMODITY RATES.

To Spokane, Wash., and Common Points, as designated in Group No. 1, pages 13 to 15, inclusive, hereof.

Note.—The following Special Commodity Rates will apply only from points as designated.

Item No.	Articles in carloads, minimum weight 30,000 lbs., except as otherwise provided.	RATES in Cents per 100 lbs., except as otherwise noted.	From	Routing For Key see page 18 hereof.
579a Spds. 579	Bagging, Cotton, Unbleached, compressed in bales, or in rolls, released .....	178	Sherman ....Tex.	Via St. L. S. F. & T. Ry., St. L. & S. F. R. R., Kansas City and Minnesota Transfer, in connection with Routes Nos. 2, 3, 3a, 3d, 3e, 3f, 3m, 3n, 12, 12a, 15, 15a, 17 and 19.

The routing number is shown in the application of special commodity rates, on bagging, cotton, unbleached, from Sherman, Tex., to Spokane, Wash., and Common Points, via St. L., S. F. & T. Ry., St. L. & S. F. R. R., Kansas City and Minnesota Transfer, in connection with Route No. 2. Referring to "Key to Routing" we find Route No. 2 to be via Great Northern R. N. The same routing is shown in connection with Route No. 3d. Route Route No. 3d in "Key to Routing" is via Great Northern R. R., and its junction at Newport, Wash., with the I. & W. R. R. This means that the traffic would be destined either to a Spokane Common Point located on the I. & W. R. R. or a connection of the I. & W. R. R. making delivery.

The following illustrates another method of showing routing instructions:

## EXHIBIT No. 17—Continued.

## ROUTING INSTRUCTIONS.

Routing Instructions shown herein, provide for routes ordinarily and customarily to be used, but if from any cause shipments are forwarded by carriers via other junction points, but over the lines of carriers parties to this tariff, the rates will apply.

Item Nos.	BETWEEN Stations named in Item No. 1, page 32	AND Stations Indexed as follows:	ROUTE VIA
800	C. & A. R. R. ....	A. T. & S. F. R'y. 228 to 285, inclusive	Pekin, Ill.
805	C. & A. R. R. sta- tions .....	B. & O. C. T. R. R. 350 to 352, inclusive	Chicago, Ill.
810	C. & A. R. R. sta- tions .....	B. & O. S. W. R. R. 400 to 414, inclusive 415 to 444, inclusive	East St. Louis, Ill. Ashland, Ill.
815	C. & A. R. R. sta- tions .....	C. & E. I. R. R. 490 to 519, inclusive 520 to 603, inclusive	Chicago, Ill. East St. Louis, Ill.
820	C. & A. R. R. sta- tions .....	C. & I. M. R'y. 640 to 647, inclusive	Auburn, Ill.
825	C. & A. R. R. sta- tions .....	C. & N.-W. R'y. 676 ..... 677 to 761, inclusive 762 to 774, inclusive 775 to 778, inclusive 779 to 801, inclusive 802 ..... 803 to 901, inclusive 902 and 903.....	④ Chicago, Ill. Chicago or Peoria, Ill. Peoria, Ill. ④ Chicago, Ill. Chicago or Peoria, Ill. ④ Chicago, Ill. Chicago or Peoria, Ill. Green Ridge, Ill.

This, it will be noted, provides for specific junction point routing between stations on the C. & A. R. R. named in the item referred to in the heading on one hand and stations on A. T. & S. F. Ry., B. & O. C. T. R. R., etc., on the other, referring to stations on such lines by index number. Routing instructions of this nature are specific and must be observed, except that the clause at the head of the column permits the carriers to route via other junctions for their own convenience.

Routing is also indicated as follows:

### EXHIBIT No. 17—Continued.

#### “EXPLANATORY STATEMENTS.

#### “ROUTING.

“The routes shown in this tariff are those ordinarily and customarily used, but if from any cause the carriers, for their convenience, route shipments via junction points other than those shown, but over the lines of carriers parties to this tariff, the rates shown herein will apply.

“(Route numbers are then applied as follows:)

“1.—Via Oil City, Pa., and P. Co. . . .

“23.—Via N. Y. C. and St. L. R. R., Cleveland, Ohio and C. C. C. & St. L. Ry.”

In the application of rates the tariff is arranged to show destinations by lines of railway. Thus, the rate on petroleum, in carloads, from Bradford Pa., to Tunnel Hill, Ill., on the C. C. C. & St. L. Ry. moves via Route No. 23. Route No. 23, from Bradford, is Penna. Lines to junction with N. Y. C. & St. L. R. R., thence via N. Y. C. & St. L. R. R. to Cleveland, Ohio, and from there via C. C. C. & St. L. Ry. to destination at Tunnel Hill, Ill.

Routings are also shown under “Key to Gateways” by route numbers, thus:

### "KEY TO GATEWAYS.

"1.—Via Deming, N. M., or El Paso, Tex., El Paso & Southwestern System, thence Arizona & New Mexico Ry. to destination.

"2.—Via El Paso, Tex., or Deming N. M., Southern Pacific Co. and Arizona Eastern R. R. to destination."

These routings apply in connection with west bound rates to points in Arizona, California, Nevada, New Mexico and Utah from eastern shipping points. Thus, on traffic destined to points on the Arizona Eastern R. R.; Route No. 2 applies. Route 2 makes either El Paso, Tex., or Deming, N. M., the western gateway to the Southern Pacific Co., who in turn delivers to the Arizona Eastern R. R., its connection, to destination desired.

A common rule governing routing of fast freight line shipments is as follows, applying in connection with east-bound rates under Star Union Line billing from Pennsylvania System points to eastern states points:

### EXHIBIT No. 17—Continued.

#### ROUTE.

When the same point is shown via two or more routes (example, Allentown, Pa.), routes specified by the shippers must be shown on the waybill and card waybill. If shipments are tendered, no route being designated, agents will call upon the shippers to ascertain what routing and delivery is required, and if they do not furnish same (the rates being the same), agent will forward freight via the route which will give the Pennsylvania Lines the greatest revenue. Connecting roads should note on their waybills the route required. If they fail to do so, where divisions of rate are different by different routes, the divisions used will be considered their instructions for routing. Where the divisions of rate are the same, if route is not shown (the rates being the same), freight will be forwarded by route giving the Pennsylvania Lines the greatest revenue.

## EXHIBIT No. 17—Continued.

\*UNION LINE BASES FOR FREIGHT RATES EASTBOUND,  
I. C. C. No. 12.

Special Reference	Stations	County and State	LOCATION		Route	Base Rate	Add In Cents per 100 Pounds, Governed by the Official Classification Classes					
			Railroad	Division or Branch			1	2	3	4	5	6
	Philadelphia— Continued											
	Phila Warehouse & Cold Storage Company.....	Philadelphia, Pa.	P. & R.	Philadelphia	.....	Phila.	.....	.....	.....	.....	.....	
	Port Richmond..	Philadelphia, Pa.	P. & R.	.....	.....	Phila.	.....	.....	.....	.....	.....	

The showing of the route is indicated in the billing basis as the rate basing point. Thus, traffic from Pennsylvania System points eastbound to Port Richmond routes via Philadelphia, Pa., the P. & R. R. R., and takes Philadelphia rates. The routing rule is self-explanatory. Had there been two junctions via which the rates applied the shipper might select either one, but in the absence of the shipper's designation of the route the shipment should be billed and routed to give the Pennsylvania Lines the greatest amount of revenue.

## § 16. Rate Tables.

The rates in a tariff must be plainly stated, either in cents or in dollars and cents, per unit of shipment, such as per one hundred pounds, per ton, or per package, per barrel, or per car, with the names or symbolic representation of points from and to which the rates apply, simply and systematically arranged.

If carload rates are named, minimum carload weights must be specifically defined. Rates stated per unit of tons must specifically define the ton to be used; thus—a ton of 2,000 pounds must be stated as “net ton” or “ton of

2,000 pounds"; a ton of 2,240 pounds must be specified as a "gross ton," "long ton," or a "ton of 2,240 pounds."

The common practice among carriers is to arrange rates in tabulated form, particularly class rates.

(1) **Class Rates.** The following excerpts from tariffs illustrate the customary arrangement of class rate tables.

## EXHIBIT No. 18.

## CLASS RATES.

From CHICAGO and Stations tak- ing same rates as shown in Items 6 and 7. To The following Points and Points taking same rates as shown in Items 8 and 9.	IN CENTS PER 100 POUNDS.					
	1st Class	2d Class	3d Class	4th Class	5th Class	6th Class
Indianapolis .....Ind.	31½	27	21½	14	11½	9
Cincinnati .....Ohio	40	34	25	17	15	12
Evansville .....Ind.						
Jeffersonville .....Ind.						
New Albany.....Ind.	40	34	25	17	14½	11½
Madison .....Ind.	41	35	26	18	16	13
Louisville .....Ky.	47½	40½	30	22	18	15
Owensboro .....Ky.						

This excerpt illustrates the arrangement of class rates showing names of points from and to which they apply.

The following excerpts illustrate the rate basis method of arranging a class rate table. The rate table is arranged under the point of origin and applies the rates to points taking the rate bases indicated by the numbers in the left-hand column. The names of destination points are arranged alphabetically and opposite each name is a number which indicates the scale of rates in the rate table which apply to that particular destination. Thus—the class rates from Baltimore, Md., to Edison, Ohio, are the



rates indicated by rate basis No. "78." Rate basis No. 78 applies rates as follows:

1	2	3	4	5	6
—	—	—	—	—	—
51	43	36	24	20	17

The two excerpts here shown are governed by the Official Classification.

**EXHIBIT No. 19.**  
**CLASS RATES FROM BALTIMORE.**  
**Rate Points.**

To Points taking Rate Basis	In Cents per 100 Pounds.						To Points taking Rate Basis	In Cents per 100 Pounds.					
	1	2	3	4	5	6		1	2	3	4	5	6
60	37	31	27	18	15	12	93	62	53	44	30	25	20
67	42	36	31	20	17	14	93c	70	60	47	33	28	23
70	45	38	32	22	18	15	94	63	53	44	30	25	21
71	45	38	33	22	18	15	95	63	54	45	30	26	21
72	46	39	33	22	19	15	96	64	54	45	31	26	21
73	47	39	34	23	19	15	97	65	55	46	31	26	21
74	48	40	34	23	19	16	98	66	56	46	31	26	22
75	48	41	35	23	20	16	99	66	56	47	32	27	22
76	49	41	35	24	20	16	100	67	57	47	32	27	22
76c	57	49	39	27	22	19	100c	75	65	50	35	30	25
76d	51	43	36	24	20	17	101	68	58	48	32	27	22
77	50	42	36	24	20	16	102	69	58	48	33	28	23
78	51	43	36	24	20	17	103	69	59	49	33	28	23
78c	59	51	39	27	23	20	104	70	60	49	33	28	23
78d	51	43	36	24	20	17	105	71	60	50	34	29	23

Rate Basis	TO	Delivering Railroad	Rate Basis	TO	Delivering Railroad
78	Edison.....Ohio.	{ CCC & STL	81	Elk Fork.....Ohio.	{ HV
100	Edison Park (Note 29).....Ill.	OC	96	Elkhart.....Ind.	LS
76	Edlam (Note 55).....Ohio.	C & N W			{ CCC & STL
96	Edmont.....Mich.	PCO	116	Elkhart.....Ill.	C & A
87	*Edmund Switch (Note 1).....Ohio.	PM	60	*Elkhorn (Notes 2 & 41)....Pa.	P & L E
90	Edon.....Ohio.	B & O S W	115	Elk Rapids.....Mich.	PM
76b	Edward.....Ont.	WAB	96	Elkton.....Mich.	PM
110	Edwards.....Ill.	MC	67	*Elkton (Note 55).....Ohio.	PL & W
120	*Edwards.....Mich.	CB & Q	120	Elkville.....Ill.	IC
96	Edwardsburg (Note 57).....Mich.	GR & I	116	Ellery.....Ill.	SR Y
		GT	100	Ellettsville.....Ind.	C I & L
		{ STL & W	110	Elliott.....Ill.	LE & W
116	Edwardsville.....Ill.	WAB	110	Elliott.....Ind.	E & T H

The following excerpts illustrate class rate table arrangements under Southern Classification:

## EXHIBIT No. 20.

## CLASS RATES.

Route No. See page XXVIII, item No. 2.	TO	From Groups of Origin (See page XXVIII, item No. 1).	IN CENTS PER ONE HUNDRED LBS.																In Cent per bal.	In Cents Per 100 Lbs.	In Cents Per Ton 2,000 Lbs.	In Cents Per Car 20,000 Lbs.			
			1	2	3	4	5	6	A	B	C	D	E	H	F	J	K	L	M	N	O	P			
SOUTHERN RAILWAY. Asheville Division—Continued. Murphy Branch—Continued. Andrews N. C.			A G H	111	95	84	72	59	48	36	45	36	34	57	68	71	51	25	375	415	5500	4350	4000		
			I	77	64	53	47	38	31	20	29	27	19	36	45	51		16	250	330	3600	3200	2500		
			M	83	72	64	55	47	39	34	37	28	23	44	54	54	25	365	405	5475	4250	3800			
			GROUPS OF ORIGIN																						

## GROUPS OF ORIGIN

Group.	INITIAL LINES AT POINTS OF ORIGIN.	Group.	INITIAL LINES AT POINTS OF ORIGIN.
A	Alberta Va. Seaboard Air Line Railway.	J	Burkeville Va. Southern Railway.
	Jarratt Va. Atlantic Coast Line Railroad.	K	Kilby Va. Seaboard Air Line Railway.
	Meherrin Va. Southern Railway.	L	Johnson City Tenn. Southern Railway. Carolina, Clinchfield & Ohio Railway.
	Richmond Va. Atlantic Coast Line Railroad. Seaboard Air Line Railway. Southern Railway.		
B	Petersburg Va. Atlantic Coast Line Railroad. Seaboard Air Line Railway.		Paint Rock N. C. Southern Railway.

This excerpt also illustrates the application of the rule with respect to specifying the unit of shipment, thus—per 100 pounds, per ton of 2,000 pounds, and per car of 20,000 pounds.

The arrangement of the class rates in Exhibit No. 20 is completely reversed from that in Exhibit No. 19. In Exhibit No. 19 the destination points were grouped, or represented by a rate basis number. In Exhibit No. 20 the origin points are grouped under letter designations and the destination points are arranged alphabetically under similar arrangement of delivering carriers. Thus—Alberta, Va., is in origin Group "A." To find the class rates from Alberta, Va., to Andrews, N. C., refer to class rate table, which shows rates from Group of Origins "A"

to Andrews, N. C. The "Groups of Origin" show the initial lines at points of origin and the class rate table indicates the delivering carrier.

It will be noted that the class rates are governed by Southern Classification and Exceptions; hence, the classes indicated range from "first class" to "class P," including classes "first" to and including "G" of the Southern Classification proper, with the remainder of the classes devoted to the Exceptions.

The following excerpts, Exhibits Nos. 21 and 22, show arrangement of class rates governed by Western Classification:

### EXHIBIT No. 21.

#### CLASS RATES.

Class rates from Dallas, Ft. Worth and North Ft. Worth, Tex., only:

**Exception.**—Rates will not apply on Grain, Grain Products, Hay, Cotton Seed and Cotton Seed Products, or the articles upon which Special Tariffs as shown on page 7 are provided.

Index No.	FROM Dallas, Ft. Worth and North Ft. Worth, Tex. (only), TO	Class Rates in Cents per 100 Pounds.										
		1	2	3	4	5	A	B	C	D	E	
96	Ft. Sumner.....N. M.	133	122	108	103	85	89	79	69	51	37	
97	La Lande.....	129	117	103	99	82	86	76	68	49	36	
98	Taiban .....	124	113	98	94	77	81	71	62	46	34	
99	Tolar .....	122	111	95	91	74	78	68	60	45	33	
100	*Kridler .....	120	109	94	89	73	76	66	58	44	32	
101	*Cantara .....	120	109	93	88	70	74	63	54	42	31	
102	Melrose .....	119	108	92	87	69	73	62	53	41	30	
103	*St. Vrain.....	118	107	91	86	68	72	61	52	40	29	
104	Black Tower.....	117	106	91	86	66	70	60	51	39	28	

\*No agent. To points prefixed thus (\*), charges must be prepaid.

## EXHIBIT No. 22.

Index No.	BETWEEN	AND Points named below, and stations taking same rates as shown on pages 9 to 15, inclusive.	Class Rates In Cents per 100 Lbs.										
			1	2	3	4	5	A	B	C	D	E	
146	* Osceola .....N. M.	Kansas City...Mo.	195	174	157	142	113	119	105	87	70	60	
		Omaha .....Neb.	225	196½	174½	155½	124	131²	113	93	76*	65½	
		Mississippi River..	220	193	177	163	127	131	109	89	75	68	
		Peoria .....Ill.	236	209	189	170	134	140	117	96	81	73	
		Chicago .....Ill.	240	209	189	173	134	140	117	96	81	73	
147	Lake Valley....N. M.	Kansas City...Mo.	196	175	158	143	115	121	107	88	72	62	
		Omaha .....Neb.	226	197½	175½	156½	126	133²	113	93	78*	67½	
		Mississippi River..	220	193	177	163	127	131	107	89	75	68	
		Peoria .....Ill.	237	209	189	171	134	140	117	96	81	73	
		Chicago .....Ill.	240	209	189	173	134	140	117	96	81	73	

The arrangement of the class rates in Exhibit No. 22 illustrates the application of rates between points instead of from a certain point to a particular point. Thus, in Exhibit No. 21, the first class rate of \$1.33 per 100 pounds from Dallas, Tex., to Ft. Sumner, N. M., does not apply from Ft. Sumner to Dallas. Whereas, in Exhibit No. 22, the first class rate of \$1.95 per 100 pounds applies in either direction between Kansas City and Osceola, N. M.

When commodities are classified as taking a certain percentage of a class rate, similar to Rules 25 and 26 of the Official Classification, class rate tariffs governed by a classification of exception sheet containing such percentage ratings, must show specifically the rates applicable under such rules just as if those rules were additional numbered or lettered classes. Thus:

## EXHIBIT No. 23.

## CLASS RATES.

In Cents per 100 Pounds.

## Classes.

1	2	Rule 25	3	Rule 26	4	Rule 28	5	6.
11	10	9	9	8	8	8½	7	6

Rule No. 4-i, Tariff Circular No. 18-A.

(2) **Commodity Rates.** Commodity rates must be specific. That is, commodity rates must be specific as to the particular commodity to which they apply. Such rates can not be applied to analogous articles. (Rule No. 6-b, Tariff Circular No. 18-A.)

The fixing of a commodity rate upon an article, or character of traffic, removes such article, or traffic, from the classification and from the application of class rates, between the points to which the commodity rate applies. When a commodity rate is named upon an article, in legal

### EXHIBIT No. 24.

RATES IN CENTS PER 100 POUNDS.

Index No.	FROM TO	St. Louis, Mo. E. St. Louis, Ill.				Cairo, Ill. Thebes, Ill.				Memphis, Tenn.			
		Flour	Wheat	Corn Meal	Corn	Flour	Wheat	Corn Meal	Corn	Flour	Wheat	Corn Meal	Corn
	St. L. S. W. Ry.												
51	*Yoder.....Ark.												
52	*Holdridge.....Ark.												
53	Almyra.....Ark.												
54	*Kittlers.....Ark.												
55	*Olens.....Ark.												
55 A	*Burks.....Ark.	@14	@14	@12	@12	@12	@12	@10	@10	@12	@12	@10	@10
56	DeWitt.....Ark.												
56 A	*Indians.....Ark.												
57	*Mayview.....Ark.												
58	*Hyden.....Ark.												
59	Gillett.....Ark.												

tariff form, the commodity rate is the only lawful rate which may be applied on the article specified between the points named in the tariff, even though a class rate or some combination may make lower.

Commodity rates should be arranged in tariffs in any simple and systematic manner that affords a clear and explicit statement of the rates. Like class rates, commodity rates must be expressed either in cents, or in dollars and cents, per unit of shipment, i. e., per one hundred pounds, per ton, per package, per barrel, or per car, the same rules governing with respect to the specification

## EXHIBIT No. 25.

COMMODITY RATES		IN CENTS PER 100 LBS. (except as noted)							
		FROM							
		CHICAGO, ILL., and stations taking same rates, as shown in Items 6 and 7 of Tariff.				MILWAUKEE, WIS., and stations taking same rates, as shown in Items 6 and 7 of Tariff.			
		TO				TO			
Item No.	In carloads, except as otherwise provided for herein.	Indianapolis, Ind.	Cincinnati, Ohio Evansville, Ind. Jeffersonville, Ind. Madison, Ind. New Albany, Ind.	Louisville, Ky.	Owensboro, Ky.	Indianapolis, Ind.	Cincinnati, Ohio Evansville, Ind. Jeffersonville, Ind. Madison, Ind. New Albany, Ind.	Louisville, Ky.	Owensboro, Ky.
		and points taking same rates as shown in Items 8 and 9 of Tariff.							
140-B	Blocks or Bricks, viz:								
Cancela	Asphalt, Paving, Building,								
140-A	Chrome, Common, Corundite,								
	Fire, Furnace, Broken, Hol-								
	low, Magnesite, Paving,								
	Pressed (enameled brick ex-								
	cepted), Radial, Salt-Glazed								
	(when shipped in same man-								
	ner as Pressed Brick or Block,								
	individual Brick or Block not								
	being packed), Sand Lime,								
	Silica, Tank, Tank, Broken;								
	Clay or Shale, Common or								
	Fire; Conduits; Crucibles,								
	Broken; Curbing, Street, Vit-								
	rified; Guards, Cattle; Heads,								
	Stopper (a Fire Clay Cylind-								
	rical-Shaped article for cov-								
	ering the Iron Rod used at								
	Open-Hearth Furnaces for								
	Agitating and Cleaning the								
	Orifice in the Tuyeres); Lin-								
	ings, Stove; Lining Flue;								
	Proofing, Fire Clay; Pots,								
	Glass House, Broken; Saggers,								
	Broken; Slabs, Tile (not Roof-								
	ing or Ornamental Tile),								
	(loaded loose in cars, without								
	Hay, Straw or other packing								
	for protection); Sleeves (a								
	Fire Clay, Cylindrical-shaped								
	article for covering the Iron								
	Rod used at open-hearth Fur-								
	naces for agitating and clean-								
	ing the Orifice in the Tuy-								
	eres); Tile, Hollow, Building;								
	Tuyeres. C. L., 25 net tons								
	minimum, except when the								
	marked capacity of the car is								
	less, in which case the marked								
	capacity of car will be the								
	minimum weight, but in no								
	case will the minimum weight								
	be less than 20 net tons, per								
	net ton (See Note).....	@125	155	165	215	@165	195	205	255
	Note: Rates apply on the								
	foregoing articles when								
	made of Clay or Shale.								
	@ Denotes advance.								



of the unit as applied to class rates. Minimum carload weights must be specifically stated.

The arrangement of the names of places, or the designation of the places, from and to which the commodity rates apply, must be simply and systematically shown. The same system of grouping under symbolic designations either the origin points or the destination points may be employed with respect to commodity rates, as was illustrated in connection with class rate table. (See Exhibits Nos. 18, 19, 20, 21, 22 and 23.)

The following excerpts typically illustrate the arrangement of commodity rates in commodity tariffs:

Exhibit No. 24 illustrates the most simple arrangement of commodity rates, showing specific application to commodities named, and specific application of rates from names of origin points to names of destination points.

Exhibit No. 25 illustrates the application of commodity rate to a specified character of traffic. The general commodity basis is "blocks or bricks," but the character of this traffic is specifically described to include the various kinds of "blocks" or "bricks" it is the purpose to apply the commodity rate to.

### EXHIBIT No. 26.

Rates in Cents Per Hundred Pounds.												
Item No.	FROM For routes via which rates apply see Item No. 5.	COMMODITIES, CARLOADS	TO Points named below and Points taking same Rates of Arbitraries higher as shown in Items Nos. 5 and 4.									
			Albany --- N. Y.	Baltimore --- Md.	Boston --- Mass.	Buffalo --- N. Y. (See Item No. 12)	Cacouna --- Que.	Cumberland --- Md.	Halifax --- N. S.	Mulgave --- N. S.	New York --- N. Y.	Philadelphia --- Pa. (See Item No. 12)
23	Cairo ----- Ill.	Feed, Mixed Live Stock, as defined in Item No. 10, and Grain, Distillers' Dried. Car- loads. Minimum weight 35,000 pounds -----	20	18	23	15	31	17	33	35	21	19
		Meal, Cotton Seed, Carloads, Minimum weight 40,000 pounds -----	20	18	23	15	31	17	33	35	21	19

Exhibit No. 26 illustrates a different arrangement for showing commodity rates. Provision is made for points of destination, other than those named, to take same rates or arbitraries above. Routing designation is also shown in column above the origin point.

### EXHIBIT No. 27.

GEOGRAPHICAL GROUPING OF STATIONS FROM WHICH RATES APPLY.

Sta. No.	STATIONS.	Rate in cents per 100 lbs.	Sta. No.	STATIONS.	Rate in cents per 100 lbs.	Sta. No.	STATIONS.	Rate in cents per 100 lbs.
	HINTON DIVISION.			HINTON DIVISION—Cont.			HUNTINGTON DIVISION.	
	New River District.			Keeny's Creek Branch, via Nanttall, W. Va.			Kanawha District.	
372	*Brooks .. W Va					533	*Chesapeake... .. W Va	
376	Quinnimont ... .. W Va	19	466	*Boone ... W Va		534	Paint Creek Jct..... W Va	19

Exhibit No. 27 illustrates the commodity rate arrangement of a commodity tariff naming rates on a single article to a single destination, the name of the article and the destination point name appearing upon the title-page of the tariff as follows:

JOINT FREIGHT TARIFF  
OF THE  
CHESAPEAKE AND OHIO RAILWAY COMPANY  
In Connection with the  
PITTSBURGH, CINCINNATI, CHICAGO & ST. LOUIS RY.  
On  
STICK BARK, Carloads,  
Minimum Weight 24,000 Pounds,  
From  
Stations on the Chesapeake and Ohio Railway  
To  
COLUMBUS, IND.,  
Via  
Cincinnati, O., Louisville, Ky., and P. C. C. & St. L. Ry.

The grouping of the origin points is by divisions of the initial or issuing carrier, and the rate is applied in "blanket" or "group" form; i. e., the origin points are grouped in station order. Thus—the rate from all stations from Brooks to Quinnimont, W. Va., both inclusive, on the Hinton Division of the C. & O. Ry. is 19 cents per 100 pounds to Columbus, Ind.

Exhibit No. 28 illustrates a complicated arrangement of general commodity rates, using grouping arrangement of both commodities and points of origin. The groups of

### EXHIBIT No. 28.

#### GENERAL COMMODITY RATES.

For Alphabetical List of Commodities See Pages II to IX.

##### COMMON POINTS.

Station No.	1	2	3	4	5
Route (See Page xxviii, Item No. 2)	8	11	11	6	4.
TO	ABBEVILLE, S. C.	ALLENDALE, S. C.	ANDERSON, S. C.	BARNWELL, S. C.	GELTON, S. C.

FROM GROUPS OF ORIGIN SEE PAGE XXVIII, ITEM NO. 1.

Commodity Group Nos.	A B C D E F G H						M N O P Q						A B C D E F G H						M N O P Q						A B C D E F G H						M N O P Q						A B C D E F G H						M N O P Q																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
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Brick, viz.:

Common, C. L., minimum weight 50,000 pounds.....	14
Fire, C. L., minimum weight 30,000 pounds.....	15
Paving, C. L., minimum weight 50,000 pounds.....	16
Pressed, C. L., minimum weight 50,000 pounds.....	17
Broom Corn; C. L., minimum weight 15,000 pounds.....	18

origin are indicated by letters, and the commodity groups by numerals, in the extreme left-hand column. The grouping arrangement of "Brick," in four groups, is shown in connection with the rates. Thus—to ascertain the rate on "paving brick," in carloads, from group "A" points to

Allendale, S. C., reference must be made to commodity groups. Paving brick, C. L., minimum weight 50,000 pounds, is designated as group "16." The rate on group "16" commodities from group "A" origin point to Allendale, S. C., is 11 cents per 100 pounds. Where the letters "pp" appear before a rate, they signify that freight charges to that point must be "prepaid." Routings are also shown by route numbers in the rate table.

Exhibit No. 29 illustrates the usual method employed in publishing rates from central states east of the Missis-

## EXHIBIT No. 29.

Item No.	COMMODITIES, CARLOADS Minimum weight as per Official Classification (see Item No. 40.) (Except as otherwise shown in individual items.)	FROM Points in Groups shown below.	TO									
			Boston, Mass.	New York, N. Y.	Philadelphia, Pa.	Baltimore, Md.	Albany, N. Y.	Utica, N. Y.	Syracuse, N. Y.	Rochester, N. Y.	Montreal, Que.	Cumberland, Md.
			Rates in Cents per 100 lbs., except as otherwise noted									
80	Acetate of Lime, minimum weight 40,000 lbs., unless marked capacity of car is less, in which event the loading capacity of the car will be the minimum weight, but in no case less than 36,000 lbs. ....	Group 117..	35	32	30	29	30.7	29.1	26.9	24.3	35	25.6
85	Aluminum Fluoride, in bags, barrels, sacks or in bulk (released to valuation of \$10.00 per net ton and so stated in shipping tickets), minimum weight, 40,000 lbs. .... The shippers must declare the value of the property, which, if not in excess of \$10.00 per net ton, will be entitled to and obtain the rate as provided herein. When the value is so declared the following clause must be entered in full on the shipping order and bill of lading: "For the purpose of enabling the carrier to apply the proper published rate as explained in its tariffs we hereby declare the value to be.....per net ton." When the shippers declare a valuation greater than that shown above, or fail to declare any valuation, the rating as provided in the Official Classification or Exceptions thereto will govern.	Group 100.. Group 110.. Group 112.. Group 117..	25.1 27.4 27.9 29	23.1 25.4 25.9 27	21.1 23.4 23.9 25	20.1 22.4 22.9 24	22.2 24.4 24.9 25.9	20.8 23.1 23.6 24.6	18.5 21.3 21.8 22.7	17.5 19.6 20 21	25.1 27.4 27.9 29	18.5 20.3 20.7 21.6

## EXHIBIT No. 29—Continued.

APPLICATION OF RATES.  
GEOGRAPHICAL LIST OF STATIONS FROM WHICH RATES NAMED HEREIN APPLY.

Index No.	STATIONS	Rate Group	Index No.	STATIONS	Rate Group	Index No.	STATIONS	Rate Group
	<b>C. &amp; A. R. R.</b>			<b>C. &amp; A. R. R.—Con.</b>			<b>C. &amp; A. R. R.—Con.</b>	
1	Chicago.....Ill.	100	66	Harness.....Ill.	112	134	Clarke.....Ill.	117
2	Brighton Park....."	100	67	New Holland....."	112	135	King....."	117
3	Glen....."	100	68	Middletown....."	112	136	Titus....."	117
4	Summit....."	100	69	Croft....."	117	137	Macoupin....."	117
5	Argo....."	100	70	Fancy Prairie....."	117	138	Plainview....."	117
6	Mt. Forest....."	+	71	Van Wood....."	117	139	Shipman....."	117
7	Willow Springs....."	100	72	Ellis....."	117	140	Miles....."	117
8	Lambert....."	100	73	Odell....."	110	141	Brighton....."	117
9	Lemont....."	100	74	Cayuga....."	110	142	Godfrey....."	117
10	Romeo....."	100	75	Postiac....."	110	143	Alton Summit....."	117

## APPLICATION OF RATES—Continued.

## EASTBOUND GUIDE BOOKS AND BILLING INSTRUCTIONS.

Rates named to points shown herein will also apply to points taking same rates as shown in the Eastbound Guide Books of the Railroads or Fast Freight Lines shown below, in connection with lines which are parties to this tariff and to such Guide Books; or may be used as basing rates to determine rates to points to which through rates are made by arbitraries as provided in such Guide Books, supplements thereto or reissues thereof.

C. & A. Tariff No.	RAILROAD OR FAST FREIGHT LINE	ISSUED BY	Issuing Road or Agent's	
			Tariff No.	I. C. C. No.
9901-C	Baltimore & Ohio R. R.....	T. H. Noonan, Agent.....	.....	A-2
	Central States Despatch.			
	Continental Line.			
3414-A	Bessemer & Lake Erie R. R..	F. C. Baird, G. F. A.....	.....	208
9902-B	Blue Ridge Despatch.....	R. H. Vaughn, Agent, C. & O. R'y .....	5	EB107
9903-A	Canada Southern Line.....	W. F. Wilson, Agent.....	41	2
9904-B	Canadian Pacific Despatch...	B. D. Webber, Agent.....	6-W	GA207
3767-B	Canadian Pacific R'y.....	R. J. Hunt, C. of T. B....	E-2440	E-1708
151-A	Chicago & Alton R. R.....	J. A. Behrie, C. of T. B....	151-A	A-124
9945-A	Coal & Coke R'y.....	I. K. Dye, G. F. A.....	.....	195
9908-B	Cumberland Gap Despatch...	Andrew Broadbuss, Agent....	523-R	A-465
9940-A	Cumberland Gap Despatch...	Andrew Broadbuss, Agent....	1	A-440
9909-C	Empire Line .....	L. M. Souders, Agent.....	11	B-16

issippi River and north of the Ohio River (except Northern Wisconsin and Upper Michigan) to Atlantic Seaboard territory. The points of origin are shown in groups, while the eastern basing points (Boston, New York, etc.), are shown at head of the page. Thus the rate on Aluminum Fluoride in bags, etc., Chicago to New York is 23.1 cents per 100 pounds. The tariff refers to Eastbound Guide



Books for list of points taking Boston, New York, etc., rates or arbitraries higher. By reference to B. & O. R. R. I. C. C. No. A-2 we find that Jersey City, N. J., for instance, takes New York rates, therefore the rate on Aluminum Fluoride from Chicago to Jersey City, N. J., is also 23.1 cents per 100 pounds.

Exhibit No. 30 illustrates what is termed an alphabetical tariff, that is, the destinations are arranged in alphabetical order. This is perhaps the most simple method of issuing a commodity tariff from an interpretation point of view, but is in disfavor with the carriers on account of the difficulty of preserving the proper alignment of rates to stations named therein; that is, each carrier having destinations shown in such a tariff must, in order to properly check same, prepare a statement of rates showing its stations in geographical order in order to ascertain if there are any unauthorized 4th section violations. This is quite a task when a carrier has several thousand stations in the tariff.

This exhibit shows grouping of the points of origin and shows rate basis number opposite the points of destination.

## EXHIBIT No. 30.

ALPHABETICAL LIST AND GROUPING OF STATIONS FROM WHICH RATES APPLY.						
STATION.	ROAD.	STATION.	ROAD.	STATION.	ROAD.	
GROUP 1. (Southwest Missouri River Group.)						
Armoursdale.....Kan.	C. R. I. & P. (A. T. & S. F.)	Kansas City.....Mo. (Continued)	C. R. I. & F. K. C. S.	North Kansas City.....Mo.	C. B. & Q. C. R. I. & P. Q. O. & K. C.	
Atchison..... Kan.	@C. R. I. & P. (@C. B. & Q. Mo. Pac.		M. K. & T. Mo. Pac.			
Kansas City.....Kan.	C. G. W. C. R. I. & P. A. T. & S. F. C. & A.		Q. O. & K. C. St. L. & S. F. Wabash. Un. Pac.	St. Joseph.....Mo.	@C. O. W. A. T. & S. F. @C. B. & Q. @C. R. I. & P. Mo. Pac.	
Kansas City.....Mo.	C. B. & Q. C. G. W. C. M. & St. P.		Leavenworth.....Kan.	A. T. & S. F. @C. B. & Q. C. G. W. @C. R. I. & P.	Sugar Creek.....Mo.	A. T. & S. F. K. C. S.
GROUP 2. (Kansas Producing Points.)						
Benedict..... Kan.	(A. T. & S. F. Mo. Pac.	Eric.....Kan.	(A. T. & S. F. M. K. & T.	Moran.....Kan.	(M. K. & T. Mo. Pac.	
Bolton.....Kan.	A. T. & S. F.	Guilford.....Kan.	Mo. Pac.	Neodesha.....Kan.	Mo. Pac.	
Buffalo..... Kan.	Mo. Pac.	Havana.....Kan.	A. T. & S. F.	Neosho Falls.....Kan.	St. L. & S. F. A. T. & S. F.	
Cacey.....Kan.	A. T. & S. F. Mo. Pac.	Humboldt.....Kan.	A. T. & S. F. M. K. & T.		M. K. & T.	
Chanute.....Kan.	A. T. & S. F. M. K. & T.	Independence.....Kan.	A. T. & S. F. Mo. Pac.	Niotase.....Kan.	A. T. & S. F. Mo. Pac.	
Chautauque..... Kan.	A. T. & S. F. A. T. & S. F.		A. T. & S. F. K. C. S.	Peru.....Kan.	A. T. & S. F. Mo. Pac.	



## EXHIBIT No. 30—Continued.

## GROUP 3. (Oklahoma Producing Points.)

Arkansas City, Kan.	A. T. & S. F.	Flint Siding, Okla.	Mid. Val.	Norfolk, Okla.	A. T. & S. F.
	K. & S. W.	Flushe, Okla.	M. O. & G.	Nowata, Okla.	M. K. & T.
	Mid. Val.	Foraker, Okla.	Mid. Val.	Okmulgee, Okla.	Mo. Pac.
	Mo. Pac.	Frankfort, Okla.	Mid. Val.	Pawhuska, Okla.	St. L. & S. F.
Avant, Okla.	St. L. & S. F.	Casopolis, Okla.	Mid. Val.	Pikema (Nowata), Okla.	Mid. Val.
Bacone, Okla.	Mid. Val.	Glenpool, Okla.	Mid. Val.	Ponca City, Okla.	St. L. & S. F.
Barnesville, Okla.	St. L. & S. F.	Grainola, Okla.	Mid. Val.	Preston, Okla.	A. T. & S. F.
Bartlesville, Okla.	Mid. Val.	Gulftown, Okla.	M. O. & G.	Red Fork, Okla.	St. L. & S. F.
Bartlett, Okla.	A. T. & S. F.	Hallett, Okla.	M. K. & T.	Reinsch, Okla.	St. L. & S. F.
Beggs, Okla.	M. K. & T.	Hallett, Okla.	St. L. & S. F.	Sand Springs, Okla.	@Sand Springs.
Big Heart, Okla.	M. O. & G.	Hardy, Okla.	Mid. Val.	Sapulpa, Okla.	St. L. & S. F.
	St. L. & S. F.	Haskell, Okla.	Mid. Val.		
	Mid. Val.	Helmick, Okla.	M. K. & T.		

## ALPHABETICAL LIST OF STATIONS TO WHICH RATES SHOWN HEREIN APPLY.

(For rates, see pages 52 to 59, inclusive.)

STATION.	ROAD.	Rate Basis.	STATION.	ROAD.	Rate Basis.	STATION.	ROAD.	Rate Basis.
A			Albertville, Minn.	Gt. Nor.	242	Alta, Ill.	C. R. I. & P.	172
Abbott, Iowa	M. & St. L.	174	Albertville, Wis.	M. St. P. & S. M.	242	Alta, Iowa	Ill. Cent.	176
Abbott Crossing, Iowa	C. R. I. & P.	174	Albia, Iowa	C. B. & Q.	134	Altamont, Ill.	E. & O. S. W.	190
Abbott Crossing, Iowa	M. & St. L.	174	Albia, Iowa	M. & St. L.	134	Altamont, Ill.	C. & E. I.	185
Abbotsford, Wis.	MS&P&S.S.M.	242	Albia, Iowa	C. A. & S.	134	Altamont, Ill.	Vandalia	190
Aberdeen, S. Dak.	C. & N. W.	438	Albia, Iowa	Wabash	134	Altamont, Mo.	C. R. I. & P.	70
Aberdeen, S. Dak.	C. M. & St. P.	438	Albia, Iowa	M. & St. L.	162	Altamont, S. Dak.	C. & N. W.	313
Aberdeen, S. Dak.	Gt. Nor.	438	Alburnett, Iowa	Ill. Cent.	158	Alta Vista, Iowa	C. G. W.	194
Aberdeen, S. Dak.	M. & St. L.	438	Alcester, S. Dak.	C. & N. W.	200	Alteneim, Ill.	B. & O. C. T.	194
Abererombie, N. Dak.	C. M. & St. P.	484	Alcedo, Ind.	Ind. Har. Belt	190	Altmar, Ill.	N. Y. C.	190
Abingdon, Ill.	C. B. & Q.	154	Alden, Ill.	C. & N. W.	192	Alton, Ill.	C. & A.	144
Abingdon, Ill.	M. & St. L.	152	Alden, Iowa	C. & N. W.	174	Alton, Ill.	C. B. & Q.	146
			Alden, Iowa	Ill. Cent.	174	Alton, Ill.	C. P. & St. L.	146
			Alden, Minn.	C. M. & St. P.	198	Alton, Ill.	C. C. & St. L.	146
			Alden, Wis.	C. & N. W.	388	Alton, Ill.	Ill. Term.	146
			Alcedo, Mich.	C. & N. W.	379	Alton, Ill.	M. K. & T.	144
			Aledo, Ill.	C. B. & Q.	154			

## PETROLEUM AND ITS PRODUCTS, AS DESCRIBED IN

TO  Stations shown on pages 7 to 48, inclusive, taking  RATE BASIS NUMBER	Item No. 5			Item No. 10			Item No. 15		
	FROM Stations named on pages 5 and 6 in								
	Group 1	Group 2	Group 3	Group 1	Group 2	Group 3	Group 1	Group 2	Group 3
	Rates in Cents per 100 Pounds.								
#126.....	14.2	20	20	14.2	20	20	12	15	15
#127.....	15	20	20	15	15	15	12	15	15
#128.....	15	20	20	15	15	15	12	15	15
#129.....	15	20	20	15	15	15	12	15	15
#131.....	14.2	21	21	14.2	17.5	17.5	12	16	16
#132.....	15	20	21	15	20	21	12	16	16
#133.....	14.2	21	21	14.2	17.5	17.5	12	16	16
#134.....	15	20	22.5	15	20	22.5	12	15	17.5
#135.....	15	20	20	15	15	15	12	15	15

For explanation of reference marks, see page 51.

Thus, using Albia, Ia., as an example, we find rate basis No. 134 applies; turning to rate basis No. 134 we find that the rate on oil as described in Item No. 5 is 15 cents per 100 pounds from Kansas City and other points in Group No. 1; the rate on a different grade of oil, as described in Item No. 10, is also 15 cents, while still another grade, as described in Item No. 15, is 12 cents.

## CHAPTER VIII.

### TARIFF INDEX.

#### § 1. Specifications.

(1) First Section.

(2) Second Section.

(3) Third Section.

#### § 2. Revision and Supplementing of Indices.



## CHAPTER VIII.

### TARIFF INDEX.

Carriers are required to publish and file with the Commission, under proper I. C. C. numbers, complete indices of tariffs which are in effect, and to which carrier is a party, either as initial or delivering line. Such indices must be posted.

#### § 1. Specifications.

A tariff index must be prepared in sections, and show:

- (a) I. C. C. number;
- (b) Carrier's general freight department or tariff number;
- (c) Index number;
- (d) Initials of issuing road or agent;
- (e) Issuing road or agent's number;
- (f) Character of tariff or description of the articles upon which it applies;
- (g) Where tariff applies from;
- (h) Where tariff applies to.

The Commission permits specifications (b), (c) and (e), to be omitted, if carrier desires, and requires specifications (f), (g) and (h) to be stated in concise general terms.

(1) **First Section.** Section 1 contains all tariffs in which the indexing carrier is the initial road.

The order of tariffs is as follows:

- Specific commodity tariffs;
- General commodity tariffs;
- Class and commodity tariffs;
- Class tariffs; and
- Miscellaneous schedules.

Commodity tariffs are grouped alphabetically under names of commodity or principal commodity. Tariffs applying to different groups of same commodity must be grouped together; thus—"Lumber—hardwood;" "Lumber—yellow pine."

The application of tariffs is described by alphabetical arrangement of the points or territory from or to which they apply, in either the "from" to "to" column.

"Miscellaneous schedules" embrace billing books, classifications, exception sheets, switching tariffs, terminal charges, etc., which are arranged in alphabetical order.

(2) **Second Section.** Contains all tariffs under which the indexing carrier is the delivering line, arranged alphabetically as required in Section 1. If the carrier desires, it may also include in this section those tariffs in which it is an intermediate carrier, but whether it is delivering or intermediate carrier must be separately shown.

(3) **Third Section.** Contains list of numbers of tariffs of carrier's own I. C. C. series, arranged in numerical order. The carrier may also include lists of its intrastate tariffs, division sheets, official circulars, etc. If intrastate tariffs are included in this publication, reference mark must be used with notation—"Rates in this tariff do not apply to interstate shipments." Supplements need not be included in indices, nor specific circus movement tariffs. Where these additional lists are added to the index, additional sections are added.

Exhibit No. 31 illustrates the First Section of Tariff Index.

Exhibit No. 32 illustrates the Second Section.

Exhibit No. 33 illustrates the Third Section.

## EXHIBIT No. 31.

### THE LAKE SHORE & MICHIGAN SOUTHERN RAILWAY CO.

Tariffs shown in the List of Tariffs proper, together with issues shown on pages 5 thro. 17 (except canceled tariffs shown on pages 74 thro. 76), comprise list of Tariffs in effect February 1, 1912.

#### ALPHABETICAL LIST OF TARIFFS.

This section contains only such Tariffs as to which the L. S. & M. S. Ry. is shown as an originating carrier. This supplement does not contain a list of tariffs as to which the L. S. & M. S. Ry. is an intermediate carrier.

Issuing Lines or Agents I.C.C. No.	P.R.C. N.Y. No.	R.C.O. No.	I.R.C. No.	C.R.C. No.	M.R.C. No.	Issuing Line or Agent	APPLYING ON	Applying from and on File at L. S. & M. S. Ry. STATIONS shown on pages 7, 8 and 9 of List as indicated by Station Nos. shown below.	TO	Issued No.
A2904	282	1007				L.S. & M.S.	<b>SPECIFIC COMMODITY TARIFFS.</b> Ashes, Brass Foundry Bumblers Wood, Cinders, Fine Dust, Scale, Slaters, Slag and Spitting, etc., (Cancels L. S. & M. S. I.C.C. No. A-3408.) (Effective February 21, 1912)	94-98-100-118-126-144- 156-168-228-258-302-308- 308-107 thro. 312	Ill., Ind., Ky., Mich., Mo., N.Y., Ohio, Penna., W.Va.	1
A2726		1002		323		L.S. & M.S.	Beets, Sugar, (see Sugar) Brick, Tile and other articles made of Clay or Shale, etc.	(97-72-72-72-81-82-84-88- 100-101-104-111-115-118- 120-121-127-129-131-302- 304-306-307-308	Can., Ill., Ind., Ia., Ky., Mich., Mo., N.Y., Ohio, Penna., W.Va., Wis.	2
A2402	122	992				L.S. & M.S.	<b>GENERAL COMMODITY TARIFFS—Continued.</b> Commodities, Various..... (Ashes, Cinders, Slag, etc.)	1-2-3-4-5-6-7-8-9-10-11- 12-13-100-111-116-117- 118-124-125-126-127-128- 129-130-131-302-307-308- 309-310-311	Ill., Ind., Ky., Mich., Mo., N.Y., Ohio, Penna., W.Va.	3
A2064						Ill. Cent.	Commodities, Various..... (Ill. Cent. Trl. No. 281-C) (Joint G.F.D. No. 1073-B)	2	Illinois Central R. R.	4
A287						W. H. Hosmer	<b>CLASS AND COMMODITY TARIFFS.</b> Classes and Commodities.. (W. H. Hosmer Trl. No. 1004-C) (Joint G.F.D. No. 2417-C)	3 thro. 10-12	Ala., Fla., La., Miss., Tenn.	5
A284						W. H. Hosmer	Classes and Commodities.. (W. H. Hosmer Trl. No. 1005-C) (Joint G.F.D. No. 2418-C)	3 thro. 9	Ala., La., Miss., Tex.	6
A2901		1003			299	L.S. & M.S.	<b>CLASS TARIFFS.</b> Classes..... (Cancels L. S. & M. S. I.C.C. No. A-3420) (Effective February 3, 1912)	(24 thro. 55-60 thro. 79 81 thro. 106-151 thro. 240 248 thro. 259-363 thro. 311)	Abbees & Western Ry.	7
A2804		1005			300	L.S. & M.S.	Classes..... (Cancels L. S. & M. S. I.C.C. No. A-3420) (Effective February 3, 1912)	10 thro. 218A	Atchafalaya, Topeka & Santa Fe Ry.	8
①		1006				L.S. & M.S.	<b>MISCELLANEOUS SCHEDULES.</b> Ashes, Dirt, Slag and other Refuse Material, Rules Governing Handling of...	86-99-100-117-118-302-305	Ohio	9
①						L.S. & M.S.	Ashes, Dirt, Slag and other Refuse Material, Rules Governing Handling of... (P.R.C. No. 2)	126-307 thro. 311	Pennsylvania	10



## EXHIBIT No. 32.

## THE LAKE SHORE &amp; MICHIGAN SOUTHERN RY CO.

## THE DUNKIRK, ALLEGHENY VALLEY &amp; PITTSBURGH R. R. CO

N. Y. C. &amp; H. R. R. R. Lessee; OPERATED BY THE L. S. &amp; M. S. RY. CO.

## THE LAKE ERIE, ALLIANCE &amp; WHEELING RAILROAD CO.

Tariffs shown in the List of Tariffs proper, together with issues shown on pages 31 through 56 (except canceled tariffs shown on pages 57 thro. 67), comprise list of Tariffs in effect February 1, 1912.

## ALPHABETICAL LIST OF TARIFFS in which Roads shown above are Terminal Carriers.

This section contains only such tariffs as to which the L. S. & M. S. Ry., D. A. V. & P. R. R. or L. E. A. & W. R. R. are shown as delivering carriers.

This supplement does not contain a List of Tariffs as to which the L. S. & M. S. Ry., D. A. V. & P. R. R. or L. E. A. & W. R. R. are intermediate carriers.

Index No.	Issuing Lines or Agents L.C.C. No.	Issuing Lines or Agents Tariff No.	Issuing Lines or Agents	LS&MS DAV&P LEA&W Joint G.F.D. No.	Reference See below	APPLYING ON	FROM	TO
1.	A341	A428	Ann Arbor..	5370	A	ANN ARBOR R. R. Acetone, Formaldehyde, etc.....	Manistique, Mich.....	Ind., Mich., N.Y., Ohio.
2	A322	A424	Ann Arbor..	5422	A	Beet Residue.....	Alma and Owosso, Mich.....	Ill., Ind., Mich., Ohio, Penna.
3	A344	A423	Ann Arbor..	5390	A	Fish.....	Menominee, Mich.....	Cleveland, Ohio.
4	A335	A300	Ann Arbor..	5743	A	Furniture.....	Ann Arbor R. R. Stations.....	Chicago, Ill.

## EXHIBIT No. 33.

## THE LAKE SHORE &amp; MICHIGAN SOUTHERN RAILWAY COMPANY.

## NUMERICAL LIST OF TARIFFS.

L.C.C. No. A.	P.R.C. & N.Y. No.	R.C.O. No.	L.R.C. No.	C.R.C. No.	M.R.C. No.	INDEX		L.C.C. No. A.	P.R.C. & N.Y. No.	R.C.O. No.	L.R.C. No.	C.R.C. No.	M.R.C. No.	INDEX	
						Page.	Index No.							Page.	Index No.
1200		145			110	13	14	5778			458			10	8

## THE LAKE SHORE &amp; MICHIGAN SOUTHERN RAILWAY COMPANY.

## NUMERICAL LIST OF TARIFFS ISSUED BY OTHER ROADS, ETC.—Continued.

CONNECTING LINES, ETC., NOS.	INDEX		CONNECTING LINES, ETC., NOS.	INDEX	
	Page.	Index No.		Page.	Index No.
Heumer, W. H., L.C.C. No. A-324, W.T.L. Trl. No. V-2, (Joint G.F.D. No. 275-B).....	10		St. L. & S. F., L.C.C. No. 4292, Trl. No. 1268-C, (Joint G.F.D. No. 4315-A).....	1	12

## § 2. Revision and Supplementing of Indices.

When an index of tariffs is published the following notation must appear on the title-page thereof: "This index contains lists of tariff publications in effect on (date of issue of index)." It may also include tariff publications

which become effective at a later date, in which event the further notation is added: "Or which have been filed to become effective at a later date as shown within."

If any changes are made the index must be revised to date, either by reissue each month or by supplement each month and reissue every twelve months. If no supplements to the index are to be issued the notation "No supplement to this index will be issued," should appear upon the title-page. If supplements are to be issued the notation "This index will be reissued on or before . . . . ., 19. . . , and supplements will be issued each month in which change is made," should appear on the title-page.

Each supplement to the index must be endorsed on the title-page—"Supplement Nos. . . . and . . . contain corrections to and as in effect on (date of issue of supplement) ;", to which may be added, "Or which have been filed to become effective at a later date as shown within."

The title-page of each supplement must show the date of issue thereof, which must correspond with notations on title-page of index proper. No effective date is shown on such supplements, nor is thirty days' notice required in the filing of tariff indices and supplements thereto.

One index may contain both freight and passenger tariffs, but separate I. C. C. numbers must be used for the freight and passenger series, and four copies must be filed with the Commission.



## CHAPTER IX.

### TARIFF REVISION AND CANCELLATION.

- § 1. Amendments and Supplements to Tariffs.
- § 2. Amendments to Loose-Leaf Tariffs.
- § 3. Supplementing Periodical Tariffs.
- § 4. Bridge Supplements.
- § 5. Reissues.
- § 6. Cancellation of Tariffs.



## CHAPTER IX.

### TARIFF REVISION AND CANCELLATION.

#### § 1. Amendments and Supplements to Tariffs.

The Act to Regulate Commerce permits generally of the changing of rates upon thirty days' notice to the Commission and to the public. The Commission, however, is empowered to modify this period of notice, which it has done in certain instances. (See Chapter II, p. 20.) These changes or additions to a tariff, where the entire tariff is not reissued as a new publication, are known as amendments or supplements; more commonly "supplements." A tariff of less than five pages can not be supplemented. Amendments to loose-leaf form tariffs are made by reprinting and inserting the reissued page.

Amendments to tariffs are printed in supplement form, of like size and quality of paper, style of type, etc., as the original tariff.

Supplements to tariffs must contain the following:

1. Consecutive supplement members, with same I. C. C. number of tariff proper.

2. Cancellation of supplement or supplements which it supersedes and cancels, and must also show on title-page what supplements contain all changes from original tariff that are in effect. Thus:



## EXHIBIT No. 34.

<b>Authority</b> <b>No. 4800.</b>	<b>Supplement No. 5 to</b> <b>The Chesapeake and Ohio</b> <b>Railway Co.</b> <b>FREIGHT TARIFF No. 13669.</b> <small>Cancels Supplements Nos. 1 and 4.</small> <small>Supplement No. 5 contains all changes from the original tariff that are effective on the date hereof.</small>	<b>Supplement No. 5 to</b> <b>I. C. C. No. 4810.</b> <small>Cancels Supplements Nos. 1 and 4.</small> <small>Supplement No. 5 contains all changes from the original tariff that are effective on the date hereof.</small>
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The cancellations of a supplement must be specific; the term "cancels conflicting portions" may not be used. (Rule No. 9-c, Tariff Circular 18-A.)

3. Supplement must refer to page or pages, item or items of tariff, or of previous supplement, which it amends. Amended items must be printed in a supplement in their entirety, arranged in the same general item order as in the original tariff. If items in tariff or in supplement are designated by item numbers, cancellation must be under the same item number; thus—Item 10-A cancels Item 10. If the canceled item or any part thereof is thereafter carried in another item of different number, the cancellation must be noted under the original item number with reference to item in which effective rates will be found. The cancellation of an item in the original tariff must be brought forward in successive supplements as a reissued item as long as the cancellation is in force. (Rule No. 8-f, 9-a, Tariff Circular No. 18-A.)

4. A supplement which brings forward reissued items without change from a former supplement should bear notation—"Effective . . . . ., except as noted in individual items." Reissued items brought forward without change must show, in conspicuous form and convenient manner, the following heading and form:

## EXHIBIT No. 35.

168	<b>REISSUE: Effective</b> <b>June 1st, 1910, in</b> <b>Supplement No. 5.</b> <b>St. Louis, Iron Moun-</b> <b>tain &amp; Southern</b> <b>Railway.</b> <b>(Via Pine Bluff, Ark.)</b> <b>Hot Springs ..... Ark.</b>											
	23	22	21	19	21	20	19	17	21	20	19	17

The I. C. C. number may be omitted when the reissued item became effective in a former supplement to the same tariff. (Rule No. 9-d, Tariff Circular No. 18-A.)

5. When a supplement makes an increase in existing rates, rules, regulations, charges, or classifications, such increase must be shown in black-faced type or by use of a uniform symbol throughout the schedule. Since May 1, 1911, all reductions are required to be shown in either italic type or by the use of a uniform symbol, with explanations being given of the distinctive type or symbol used.

6. If a supplement to a tariff conflicts with a part of another tariff or supplement to a tariff then in force, and which is not thereby cancelled in full, the supplement must specifically state the portion of such other tariff or supplement which is cancelled, and such other tariff shall at the same time be correspondingly amended by supplement, or be reissued if a tariff of less than five pages. Such reissues or supplement should state where the rates may thereafter be found. This rule does not apply to cross-supplementing of commodity and general class rate tariffs.

7. For number of supplements which may be issued to a tariff, see Chapter VII, p. 139.

Attention is called to the fact that suspension supplements, vacating notices or supplements, either suspended

in part or in whole, are not counted against the number of supplements permitted to a tariff.

8. If a tariff contains more than 111 pages, a third supplement may be issued, only when the smaller of the two effective supplement contains not less than ten per centum of the number of pages in the tariff.

The amount of matter permitted in a supplement is governed by the following rule:

Tariffs containing five or more pages, including title-pages and indices:

Number of pages in tariff (including title-page and index).	Supplement may contain (including title-page and index).
5 and not more than 16 pages...	Not more than 4 pages.
17 and not more than 32 pages..	Not more than 6 pages.
33 or more pages.....	Not more than 25 per centum of the number of pages in tariff.

9. If a supplement contain five or more pages, it must carry an index of the matter contained, and if it contains more than twenty-three pages, it must also have a table of contents. Such index and table of contents are governed by the rules governing the same features of original tariffs.

## § 2. Amendments to Loose-Leaf Tariffs.

No supplements may be filed to loose-leaf tariffs. Amendments and changes must be made by reprinting both pages of the leaf upon which the change occurs. Distinctive type or uniform symbols must be used to denote increases or decreases, as required by Rule 2 of Tariff Circular No. 18-A.

If no change is made in one of the reprinted pages, such reprinted pages must bear notation—"No change in this page." Reprinted pages containing changes, instead of being given supplement numbers, must bear notation—"First revised page ..," "Second revised page ..," and also show I. C. C. number of tariff, issued and effective dates, and name, title, and address of issuing officer.

### § 3. Supplementing Periodical Tariffs.

Some tariffs are issued with provision that they will be reissued periodically at specified times, not exceeding six months apart. Such a provision must be strictly observed, and the life of the tariff limited to six months. Such tariffs may be supplemented without limit as to size, supplements containing all amendments thereto between such specified dates for reissue.

Periodical tariffs bear, in upper left-hand corner of the title-page, notation—"This tariff will be reissued effective on or before . . . . ., 19.." (See Exhibit No. 16, p. 159.)

### § 4. Bridge Supplements.

It frequently happens that, after a tariff is cancelled by a reissue of such tariff it becomes necessary to change a rate in the former tariff which cannot become effective and remain in effect for the thirty days required by law, prior to the effective date of the new tariff. In such cases a supplement containing changes not included in the new tariff may be issued as supplement to both the old and new tariff, showing both I. C. C. numbers. Such supplements are known as "bridge" supplements. For example:

Tariff I. C. C. No. 100, to which five supplements have been issued, is cancelled by Tariff I. C. C. No. 150, effective thirty days later. Prior to the effective date it becomes necessary to change an item in Tariff No. 100, which item

has not been changed by Tariff I. C. C. No. 150. This change can only be affected by publishing a supplement, appearing as Supplement No. 6 to I. C. C. No. 100 and Supplement No. 1 to I. C. C. No. 150.

The rule governing size and number of tariffs in effect, must be strictly observed. Thus if I. C. C. No. 100 is a tariff of thirty pages to which a carrier is permitted to have two supplements, and two supplements are in effect, it would be necessary, in issuing a bridge supplement, to reissue one of the two supplements to make the change, showing any items not changed as reissued items and carry note in connection therewith to the effect that such reissued items will expire on the date on which the new tariff becomes effective, and that thereafter the new tariff will apply in lieu thereof. (Rule 9-h, Tariff Circular 18-A.)

### § 5. Reissues.

If a new tariff or supplement which cancels a former tariff or supplement omits points of origin or destination, or rates, which were contained in such former tariff or supplement, such new tariff or supplement must show where rate or rates will be found, or what rate or rates will thereafter apply, or where the rate or rates applying to the points omitted will be found under notation, to the following effect: "Rate in . . . . . I. C. C. No. . . . , will apply," or "Class rates will apply," or "Combination rate will apply," or "No rates in effect." If increases or decreases in rates are effected thereby proper type or symbolic distinction must be shown.

Reissued items in a new tariff must be shown in accordance with the rule governing reissued items in supplements to tariffs. (See Rule No. 9-d, Tariff Circular No. 18-A.)

The Commission reserves the right to order the reissue of a tariff at any time.



### § 6. Cancellation of Tariffs.

If a tariff is issued which conflicts with a part of another tariff, which is not thereby cancelled in full, such new tariff must specifically state the portion of the other tariff which is thereby cancelled, and such other tariff must be at the same time correspondingly amended by supplement, effective on the same date. If the partly-cancelled tariff contain less than five pages, it must be reissued in accordance with the rules. The reissued or amended tariff must show where the rates will thereafter be found, and must be filed at the same time and in connection with the tariff containing such new rates.

This rule may apply to agency tariffs, but the carrier may not, by its individual tariff, cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time in accordance with this rule.

An agent, acting under power of attorney, is authorized to cancel by his own tariffs issues of his principals.

If a tariff cancels another tariff the cancellation notice must show where the rates will thereafter be found.

If a tariff is cancelled with the purpose of applying in lieu thereof the rates in some other tariff, specific reference to the I. C. C. number of the tariff in which the rates will be thereafter found, must be made in the cancellation notice. If the tariff cancels another tariff by taking the latter's place, the notice of cancellation should be by notice printed in the new tariff instead of by supplement to the cancelled tariff.

The cancellation of a tariff also cancels all supplements to such tariff then in effect. (Rule No. 8-e, Tariff Circular No. 18-A.)

If a tariff is cancelled for the purpose of cancelling entirely the rates named therein, it must be accomplished



by supplement thereto, even though it be a tariff of four pages or less.

Cancellation by item numbers in a tariff is governed by the same specifications applying to supplements cancelling by item numbers.

## CHAPTER X.

### POWER OF SUSPENSION BY INTERSTATE COMMERCE COMMISSION.

- § 1. Suspension of Tariffs and Supplements.
- § 2. Suspension and Restoration of Rail-and-Water Rates.



## CHAPTER X.

### POWER OF SUSPENSION BY INTERSTATE COMMERCE COMMISSION.

#### § 1. Suspension of Tariffs and Supplements.

Under Section 15 of the Act to Regulate Commerce the Interstate Commerce Commission is invested with power to suspend the operation and defer the use of a tariff, classification, rate, charge, regulation, or practice. Upon receipt by the carrier of an order of suspension of any publication in its entirety, the carrier or agent publishing and filing such publication must immediately file with the Commission a supplement stating that such publication or schedule is under suspension and may not be used until further and proper notice, or until such specified date as may be named in the suspension order. Such a supplement revives or retains the rates theretofore in effect, and should specify the I. C. C. number or numbers of the tariff or tariffs containing the charges, classification, regulations or practice so restored. Similar procedure is required where the order of the Commission suspends parts of a publication.

When a portion of a supplement is suspended such supplement must be continued in force throughout the period of suspension and may not be cancelled either by a subsequent supplement or by a reissue of the tariff except by special permission of the Commission. However, any items in such supplement, other than suspended items,

may be reissued or cancelled in subsequent supplements. Such supplement containing suspended items will not be counted against the number of supplements permitted to such tariff.

If, prior to receipt of the Commission's order suspending a supplement or portion of a supplement, the carrier or agent files a later supplement containing, as reissued items, portions of the previous supplement, which are by such order of the Commission suspended, and also cancels such previous supplement, the suspension notice shall cancel from the later supplement such portions as are suspended by the order and shall amend the title page of the later supplement, showing that it cancels only such portions of the previous supplement as are not suspended.

Suspension supplements must show authority of this rule, but need not show effective date, as such date runs as of the date of the Commission's order and service thereof.

When the Commission vacates a suspension order the carrier or agent immediately issues supplement stating the date upon which, under the vacation order, the rate, classification, charge, regulation, or practice, will become effective. Such vacating supplement must show authority of this rule.

Suspension and vacating supplements are not counted against the number of supplements permitted to the tariff affected.

Every such supplement must be at once posted in every depot, station, office, or other place where the publication affected thereby is posted, and should be given the same general distribution as the tariff.

A tariff restored, because of the suspension of an entire succeeding tariff, may be supplemented without regard to the rule governing the number of supplements permitted,

except that tariffs of less than five pages must be reissued.

Changes and additions made effective in restored tariffs during period of suspension remain in force for the statutory period of thirty days at least.

Changes can not be made in suspended tariffs or supplements, suspended in their entirety, except by special permission of the Interstate Commerce Commission.

It was formerly the practice of the carriers to make any changes they felt necessary in a rate or rule which was continued in effect by an order of suspension of a subsequent rate or rule, on the theory that the former was not cancelled until the order of suspension was vacated and the latter rate or rule permitted to become effective, and that the former was therefore subject to any change deemed necessary, provided the expiration date of such suspension was far enough in advance to permit the publication of such change with the required thirty days' notice.

This created so many troublesome complications that the commission stopped the practice by an order dated June 14, 1915, reading as follows:

## INTERSTATE COMMERCE COMMISSION.

### ORDER.

**At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of June, A. D. 1915.**

It appearing, That after the Commission has suspended the operation of a schedule and deferred the use of a new rate, fare, charge, classification, regulation, or practice stated therein, thereby continuing in force, temporarily, the rate, fare, charge, or other tariff provision in effect at the time, tariff-issuing officers or carriers have not infre-



quently filed other and different schedules stating new rates, fares, charges, or other tariff provisions which are changes in those so temporarily continued in force and effect;

It appearing, From numerous instances which have come to notice in the experience of the Commission or have been brought to its attention by informal complaints, that the spirit of the law and of the Commission's order of suspension is evaded by such action, and troublesome complications are thereby created;

It is ordered, That when the Commission has suspended a schedule and deferred the use of a rate, fare, charge, classification, regulation, or practice stated therein, the rate, fare, or charge thereby continued in effect shall not be increased, and the classification, regulation, or practice stated therein shall not be changed, by any subsequent schedule, until the suspension proceeding has been disposed of or the period of suspension, and of any extension thereof, has expired, unless such change is specifically authorized by special order of the Commission.

It is further ordered, That Rule 9k of the Commission's Tariff Circular No. 18-A be amended by inserting in the tenth paragraph thereof the substance of this order:

It is further ordered, That a copy of this order be served upon all carriers subject to the provisions of the Act to Regulate Commerce.

It is further ordered, That this order shall be in effect from and after July 15, 1915.

By the Commission:

[Seal.]

GEORGE B. MCGINTY,  
Secretary.

## § 2. Suspension and Restoration of Rail-and-Water Rates.

Tariffs which contain rail-and-water rates applicable via

routes which must be suspended during the close of navigation, and which do not become effective and expire within the same season of navigation, may be suspended and restored by supplement. Only one such supplement may be in effect at one time, but such supplements do not count against the number of supplements permitted.

Such supplements are provided for under authority of Rule No. 12, Tariff Circular No. 18-A, and must carry notations prescribed by the Commission.

Restoration of rates via Great Lakes may be made upon three days' notice, and via rivers, canals, or inland lakes, other than Great Lakes, upon one day's notice.



## CHAPTER XI.

### INTERPRETATION OF SCHEDULES AND TARIFFS OF RATES.

#### § 1. General.

#### § 2. Key to Interpretation of Schedules and Tariffs of Rates and Charges.

- (1) Locating Desired Tariff; Use of Tariff Index or List.
- (2) Information on Title-Page.
- (3) Table of Contents.
- (4) Participating Carriers and Concurrences.
- (5) Index to Points of Origin and of Destination.
- (6) Explanations of Reference Marks and Abbreviations.
- (7) Additional Exceptions to Classifications.
- (8) Explanatory Statement and Rules.
- (9) Routes.
- (10) Rate Tables.



## CHAPTER XI.

### INTERPRETATION OF SCHEDULES AND TARIFFS OF RATES.

#### § 1. General.

The reading or interpretation of freight schedules or tariffs of transportation rates, is frequently spoken of as being attended with extreme difficulty and uncertainty. Nothing is farther from the truth. But the ability to interpret and apply a tariff is entirely dependent upon the interpreter's knowledge of the construction of the tariff. With a complete knowledge of the construction of a tariff of rates, any shipper may read, interpret and apply any tariff published and filed with the Commission by any carrier or carriers, or agent, in the United States. To be of legal application, a tariff must conform with the specifications of construction prescribed by the Interstate Commerce Commission, and if it conforms to those requirements, its interpretation is practically mechanical.

Tariffs are price lists of transportation service. In addition to the actual price in dollars and cents per given unit, tariffs express the conditions under which the service will be rendered for the price stated. A full conception of what a tariff of rates really is, in its broadest sense, will do much to aid in the mastery of its smallest details. Uncouthly illustrated: a layman may look at a house. In his general knowledge of things he recognizes it as a house and so calls it. But the man who knows what the



house actually is, what kind it is, of what it is made, and the purpose which it serves, is the architect who knows every detail of the construction of the house. In exactly the same way the shipper who knows what a certain tariff is is the one who knows its every detail of construction.

Chapters VII and VIII of this volume have been fully described and illustrated the different forms of arrangement of tariffs, from indices to rate tables. An intimate knowledge thereof is the key to all legal schedules or tariffs. Do not be misled by a difference in the style of type used, or the more or less artistic display of rulings and headings. All tariffs do not look alike on their face, but the constructive principles must be similar. Test the tariff as to its features of construction; differences in detail of arrangement will solve themselves.

## **§ 2. Key to Interpretation of Schedules and Tariffs of Rates and Charges.**

The following key may be used in the interpretation of any tariff of rates:

**(1) Locating Desired Tariff; Use of Tariff Index or List.** The first thing to do is to locate the desired tariff. This is done by reference to the Tariff Index of the carrier on whose line the point of origin is located. In this index will be found, alphabetically arranged as to commodity and territory, all the tariffs of the initial carrier, tariffs of other carriers in which it participates, and all agency tariffs under which it is a participating carrier, initially, intermediately, or finally. (See Exhibits Nos. 32, 33 and 34.) Thus, if a shipper is located at New York City and desires to ship an article to Portland, Oregon, by referring to the Tariff Index of any of the lines from New York City, he finds that traffic destined to Pacific Coast Terminals, of

which Portland is one, moves under an agency tariff, commonly known as westbound Trans-Continental Freight Bureau tariff. In the same way local or joint tariffs, according to the desired point of origin or destination, or commodity or class of traffic, may be located in the Tariff Index.

Much confusion exists among shippers in the ascertaining of rates because of the failure to refer to proper tariffs. Shippers should go to the office of the carrier where its public tariff file is maintained and consult these indices, if they are in doubt as to the proper tariff to apply.

**(2) Information on Title-Page.** The information contained on the title-page of a tariff serves simply to identify the tariff and evidence its compliance with the requirements of the law.

**(3) Table of Contents.** This is the index to what is contained in the tariff. Under general heads, all of the information contained in the tariff is here listed and paged. Points of origin or of destination, participating carriers, routes, explanatory statements, rules, tables of rates, can be quickly located.

**(4) Participating Carriers and Concurrences.** This information is used in connection with the routings usually. From it may be determined the responsibility of any particular line in the routes and rates contained in the tariff.

**(5) Index to Points of Origin and of Destination.** From this index of points, it is a simple matter to locate the points from and to which the shipper desires rates. Having located the desired points, by turning to the pages designated, the rates can be ascertained.

(6) **Explanations of Reference Marks and Abbreviations.** By referring to this portion of the tariff, all reference marks, symbols, abbreviations, etc., may be readily understood.

(7) **Additional Exceptions to Classification.** If exceptions to the classification, in addition to those indicated on the title-page of the tariff, apply in connection with the rates or certain of them, such exceptions may be ascertained by reference to this portion of the tariff.

(8) **Explanatory Statement and Rules.** Under this heading is to be found explanation of any rules, regulations, or practices, which in any wise affect the application of the rates in the tariff. Since the law requires such rules to be devoid of complicated and ambiguous terms, these explanatory statements may be readily understood.

(9) **Routes.** In this portion of the tariff will be found proper designation of all the routes via which the traffic, governed by the rates in the tariff, may be moved.

In the absence of specific routing in the tariff, the rates named therein are applicable via any reasonable route over lines of carriers participating in the tariff to the extent of their concurrence therein.

Bear in mind that as a specific commodity rate takes precedence over a class rate between the same points, unless both rates are in a sectional tariff which authorizes the use of the lower rate.

A combination of local or proportional rates may not be used if there is a through rate, either class or commodity, in effect between the same points over the same route, but in the absence of a through rate, or a specified method of building the combination, the lowest combination via any gateway is applicable.

Thus to ascertain the rate on a given commodity between certain points, first determine if there is a through specific commodity rate. If the tariff or supplements thereto contains such a rate read carefully the explanation of any reference mark shown in connection with same. Never fail to do this, as such reference mark may change the rate entirely.

Having determined beyond a doubt what the rate is, read carefully the application of the rates and exceptions thereto as well as the routing instructions to ascertain the route or routes via which the rate is applicable before specifying the route in a bill of lading.

If the tariff does not contain a specific commodity rate, then ascertain if there is a through class rate applicable between the points in question.

If the tariff or another tariff contains a through class rate, in the absence of a through commodity rate, then such class rate is applicable. The title-page of the tariff will specify the classification and exceptions applicable. First turn to the exceptions to see if the article to be shipped is listed therein; if so, use the class specified; if not, refer to the classification and obtain the rating there. Having determined the rating applicable, turn to the class rate tariff and get the rate, using the same precautions as mentioned in the preceding paragraphs as to application, routing, etc.

If there is no through rate, either commodity or class, then the lowest combination is applicable. Such combination may be made by a combination of two or more commodity rates, two or more class rates, or a combination of commodity rates and class rates.

If there is a proportional rate in effect to or from a basing point or gateway, applicable to or from a specified territory, such proportional rate must be used in con-

structing a combination over such base point or gateway to or from points in that territory even though the local rate to such base point is lower.

(10) **Rate Tables.** By careful study of the exhibits found in Chapter XII, illustrating the arrangement of rate tables in tariffs, shippers can readily locate the desired rate or rates in any tariff. The rule should be borne in mind, in this connection, that a tariff must contain all the rates on the commodity or commodities named from and to the points included in the tariff, or specific reference by tariff number to any other tariff containing rates applicable to such commodities and points.

If this key is carefully followed, little difficulty will be experienced in the interpretation of tariffs and other schedules.

## CHAPTER XII.

### TYPES OR KINDS OF TARIFFS AND SCHEDULES.

#### § 1. General Classification.

- (1) Distance or Mileage Tariffs.
- (2) Class Tariffs.
- (3) Class and Commodity Tariffs.
- (4) Miscellaneous Commodity Tariffs.
- (5) Specific Commodity Tariffs.
  - 1a. Local Tariffs.
  - 2a. Joint Tariffs.
  - 3a. Agency Tariffs.

#### § 2. Illustrations of Tariff Types with Examples of Use.

- (1) Local Distance or Mileage Tariffs.
- (2) Local Class and Commodity Tariffs.
- (3) Joint Distance or Mileage Tariffs.
- (4) Joint Class and Commodity Tariffs.

#### § 3. Constructional Arrangement of Tariff.

#### § 4. Sectional Tariffs.

#### § 5. Proportional Rates in Joint Tariffs.

#### § 6. Proportional Tariffs.

#### § 7. Combination Through Rates in Joint Tariffs.

#### § 8. Export Rates in Joint Tariffs.

#### § 9. "Rate Basis" Points in Joint Tariffs or Basing Books.

#### § 10. Agency Tariffs or Schedules.

#### § 11. Classifications Published and Filed by Agent.

- (1) Official Classification.
- (2) Western Classification.
- (3) Southern Classification.
  - 1a. Exceptions to Southern Classification.
- (4) Exceptions to Classification Issued by Joint Agent.
  - 1a. Southwestern Lines Exceptions to Western Classification.
  - 2a. Exceptions to Official Classification.

#### § 12. Agency Tariff of Rates.

#### § 13. Territorial Directory and Basing Book.





## CHAPTER XII.

### TYPES OR KINDS OF TARIFFS AND SCHEDULES.

Many thousands of tariffs or schedules are filed with the Interstate Commerce Commission annually by the carriers of the United States. Since all of such tariffs must conform to the specifications of construction prescribed by the Commission, it is obvious that this vast number of issues, in a final analysis, must resolve themselves into a comparatively few distinct kinds or types.

#### § 1. General Classification.

Freight rate tariffs and publications relating to freight rates may be classified as follows:

1. Classifications.
2. Exceptions to classification.
3. Tariffs naming rates.
4. Switching and switching absorption tariffs.
5. Miscellaneous rules, such as refrigeration, weighing, etc.
6. Special privilege tariffs, such as reconsigning, storing in transit, milling in transit, etc.
7. Tariffs naming demurrage rules.
8. Territorial directories.
9. Station lists.

Of these the tariffs naming rates may be further classified as follows:

(1) **Distance or Mileage Tariffs.** Tariffs containing distance or mileage rates, either class or commodity or both, applicable on interstate traffic when no other class or commodity rates are provided. (See Rule 10-G, Tariff Circular 18-A.) Such tariffs are not published to any great extent except in certain states where state regulations prescribe maximum rates for given distances.

(2) **Class Tariffs.** Tariffs naming class rates only.

(3) **Class and Commodity Tariffs.** Tariffs naming both class rates and miscellaneous commodity rates. In such tariffs the commodity rates take precedence over and must be used instead of the class rates unless the tariff is constructed sectionally and carries specific authority for the alternative use of class or commodity rates whichever makes the lower charge. (See Exhibits No. 37 and 38.)

(4) **Miscellaneous Commodity Tariffs.** Tariffs naming miscellaneous commodity rates. Such commodity rates take precedence over class rates named in another tariff and must be used even though such class rates make a lower charge.

(5) **Specific Commodity Tariffs.** Tariffs applying on specific commodities, such as live stock, coal, grain, etc. Rates named in such tariffs likewise take precedence over class rates named in another tariff even though such class rates make a lower charge.

These tariffs may be further classified as:

**1a. Local Tariffs.** Tariffs which are issued by a carrier naming rates and charges from and to points located on its

own line of railroad. They also include local proportional rates. (See Exhibit No. 37.)

**2a. Joint Tariffs.** Tariffs published by a carrier or carriers or their duly authorized agent, naming rates and charges from points on the line of one or more carriers to points on the line of other carriers. The designation "joint" indicates that the rates, charges, or regulations have been arrived at by agreement between the carriers parties to the joint tariff.

The constructional arrangement of such tariffs may be in any of the forms illustrated under "Construction of Tariffs." These tariffs may be applied from defined territory, such as Central Freight Association Territory, Trunk Line Territory, Green Line Territory, etc. They may also provide for the application of differential charges to be added to the rates named to specific points or common points for the purpose of fixing rates to points beyond.

These tariffs may also be arranged in sections, each section naming rates from and to, or between the same points, with the alternative use of rates in one section with those in another to apply the lowest rate. (See "Sectional Tariffs," "Alternative Rates," Exhibit No. 39.)

**3a. Agency Tariffs.** Agency tariffs are joint tariffs or schedules which are published and filed either by a carrier or an individual acting as agent for the carrier's principals of and participating in such tariffs, either as originating carrier's intermediate lines or delivering roads.

## § 2. Illustrations of Tariff Types with Examples of Use.

(1) **Local Distance or Mileage Tariffs.** This class of tariff is illustrated in Exhibit No. 36.

**EXHIBIT No. 36.**

I. C. C. No. ....

(If filed with the I. C. C.)

(State Com. No. if filed  
with state commission.)

LOCAL DISTANCE TARIFF No. 1  
OF THE  
BANGOR & AROOSTOOK RAILROAD COMPANY  
Naming  
CLASS AND COMMODITY RATES  
Between Stations on the Bangor & Aroostook Railroad.

Governed by Rules and Regulations of Official Classification No. ...., ..... Agent's I. C. C. No. ...., (B. & A. R. R. No. ....), and supplements thereto or reissues thereof. Issued ....., 19... Effective ....., 19...  
Issued by

.....  
General Freight Agent, Bangor, Me.

CONSTRUCTIONAL ARRANGEMENT OF TARIFF.  
(Authority of Rule 10-g, Tariff Circular No. 18-A.)

1. Title-page. (Notation for use of rates must be shown.)
2. Table of Contents. (May be omitted if information can be displayed on title page.)
3. Official List of Points and Distances. (Or reference to I. C. C. number of tariff issue containing such list.)
4. Explanation of Reference Marks and Abbreviations.
5. Governing Classification and Exceptions. (May be shown on title-page.)
6. Governing Rules and Regulations.
7. Tables of Rates—Class Rates; Commodity Rates.

**EXHIBIT No. 36—Continued.****NOTATION FOR USE OF RATES.**

“Class rates shown herein may be used only when no specific class rates have been provided. Commodity rates shown herein may be used only when no specific commodity rates have been provided. When governed by classification which also contains distance or mileage rates they will take precedence over the distance or mileage rates in such classification. These class rates may not be used either by themselves or in combination in preference to any specific class rate, nor may these commodity rates be used either by themselves or in combination in preference to any specific commodity rate.” (Authority of Rule 10-g, I. C. C. Tariff Circular 18-A.)

**OFFICIAL LIST OF POINTS AND DISTANCES.**

Station	Miles from Bangor	Miles between Stations
Bangor .....	0	
Wheeler .....	5	5
Phelan .....	8.5	3.5
Reeds .....	9	.5
Milltown .....	13.5	4.5

**TABLE OF RATES.****Class Rates.****Merchandise in Cents per 100 Pounds.**

Distances in Miles	First Class	Second Class	Third Class	Fourth Class	Fifth Class	Sixth Class
5 miles and under....	14	11	9	7	5	4
10 miles and over 5..	15	13	10	8	7	5
15 miles and over 10..	16	14	11	9	8	6
20 miles and over 15..	18	15	12½	10	9	8
25 miles and over 20..	20	17	14	12	10	9

When no rate is given in rate table for actual distance, use next higher distance shown in rate table.



## EXHIBIT No. 36—Continued.

## Commodity Rates.

For Minimum C. L. wts., see Notes A, B, C and D.

In Carloads Distances in Miles	In Cents per 100 Pounds.			
	Grain and Grain Products	Lumber and Forest Products	Sand Lime Cement (Per net ton)	Hard Coal
5 miles and under.....	6	3½	3	25
10 miles and over 5....	7	4	3½	30
15 miles and over 10....	7½	4½	4	35
20 miles and over 15....	8	5	4½	40
25 miles and over 20....	9	5½	5	45

Note—A: 30,000 lbs.; B: 40,000 lbs.; C: 40,000 lbs.; D: 50,000 lbs.

## EXAMPLES FOR USE.

Example No. 1. To ascertain class rates from Bangor to Phelan: Refer to Official List of Points and Distances, and ascertain distance from Bangor to Phelan, which is 8.5 miles. Since there are not rates for a distance of 8.5 miles, the rates for the next higher distance are applied, which is 10 miles. Refer to Rate Table of class rates; rates shown for 10 miles and over 5 miles are—

1	2	3	4	5	6
—	—	—	—	—	—
15	13	10	8	7	5

Example No. 2. To ascertain rate on carload of sand, weighing 40,000 pounds, from Wheeler to Reeds: Refer to Official List of Points and Distances, and ascertain distance from Wheeler to Reeds, which is 4 miles. Since no rate is given for a 4-mile distance, the next higher distance, or 5 miles, applies, making rate of 3 cents per 100 pounds.

The rates in distance or mileage class tariffs can only be used when no other class rates are provided, and the commodity rates in such distance tariffs can only be used when no other commodity rates are provided. Notations to this effect must appear on the title-page of both distance

class and distance commodity tariffs, or in the case of combined distance class and commodity tariffs, the notation herewith set forth.

Distance tariffs may be issued and applied either locally by one carrier or jointly by two or more carriers.

A distance tariff may be included in a tariff of specific rates, together with the following rule: "If the use of the distance tariff on page — of this tariff makes a lower charge on any shipment than the specific rate shown in this tariff such lower charge will apply."

## **(2) Local Class and Commodity Tariffs.**

Exhibit No. 37 illustrates a local class and commodity tariff.

The title-page shows that this tariff names local class and commodity rates between Mobile, Ala., and stations on the Mobile and Ohio R. R.

Attention is called to the 4th section authorities, quoted on the title-page. It will be noted that the rates on Black Strap Molasses, Drain Tile and Lumber between certain points are not made applicable to or from intermediate points by authority of Rule 77 of Tariff Circular 18-A, while other 4th section violations in the tariff are either covered by specific 4th section authority or by Order No. 3700.

Attention is also called to the following cancellation which is found in the body of the tariff and which is in addition to the cancellation shown on the title page:

### **CANCELLATION.**

All rates on Classes E, H and F and on Cotton Bagging and Cotton Ties any quantity, published in Mobile & Ohio Railroad Freight Tariff No. 5025, I. C. C. No. A-734 and supplements thereto, to Mobile, Ala., and points taking same rates (as per Item No. 3, page 7 thereof), are hereby cancelled. On Classes E, H and F, apply basis provided for in Southern Classification No. 41 (Mobile & Ohio Railroad Classification

## EXHIBIT No. 37.

Only Two Supplements to this Tariff  
will be in effect at any time.

I. C. C. No. A-1218  
(Cancels I. C. C. No. A-734)

Issue No. B-48360.  
File No. 267988.  
Authority 361.



# MOBILE & OHIO RAILROAD CO.

## FREIGHT TARIFF No. 11550

(Cancels Freight Tariff No. 5025)

— OF —

### LOCAL RATES

— APPLYING ON —

## CLASSES AND COMMODITIES

— BETWEEN —  
(Except as Noted)

### MOBILE, ALA.

AND STATIONS ON THE MOBILE & OHIO RAILROAD IN ALABAMA  
(See Item No. 20, page 9)

— AND —

### STATIONS ON MOBILE & OHIO RAILROAD SOUTH OF CAIRO, ILL.

APPLICABLE ONLY ON INTERSTATE TRAFFIC  
(See Item No. 5, page 9)

Governed by Southern Classification No. 41, Agent W. R. Powe's I. C. C. No. 20 (Mobile & Ohio R. R. Classification No. 410), and supplements or reissues, with exceptions shown therein under "Note 33."

Governed as to prepay requirements, facilities at stations and changes in station names by the Official List of Open and prepay stations No. 15, F. A. Leland's I. C. C. No. 1106 (Mobile & Ohio Railroad Freight Tariff No. 11165) and supplements thereto or reissues thereof.

By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, the rates as published herein on Molasses, Black Strap, from Mobile, Ala., to Reform, Ala., are not made applicable to all intermediate stations. Upon reasonable request thereof, rates which will not exceed those in effect to Reform, Ala., will, under authority granted by the Interstate Commerce Commission, be established to any station intermediate between Reform, Ala., and Tuscaloosa, Ala., upon one day's notice to the Commission and the public.

By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, the commodity rates published herein on Drain Tile from Waynesboro, Miss., to Mobile, Ala., and Lumber and articles taking same rates from Mobile & Ohio R. R. stations to Mobile, Ala., are not made applicable to all intermediate points. Upon reasonable request thereof, rates which will not exceed those in effect to Mobile, Ala., will, under authority granted by the Interstate Commerce Commission, be established to any intermediate point hereunder upon one day's notice to the Commission and to the public.

This Tariff contains rates that are higher for shorter distances than for longer distances over the same route; such departure from the terms of the amended Fourth Section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Orders F. S. Nos. 3167 of August 19, 1913, and 3700, Sections 4 and 8, of February 3, 1914.

ISSUED MARCH 7, 1916.

EFFECTIVE APRIL 10, 1916.

Issued by  
**J. M. DENYVEN,**  
General Freight Agent,  
ST. LOUIS, MO.

**W. E. VANDIVER,**  
Assistant General Freight Agent,  
ST. LOUIS, MO.

Approved by  
**HAIDEN MILLER,**  
Freight Traffic Manager,  
ST. LOUIS, MO.

(Station Tariff File No. 2.)

# AMERICAN COMMERCE ASSOCIATION

229

## EXHIBIT No. 37—Continued.

### SECTION No. 1.

If the rates in Section No. 2 of this Tariff make a lower charge on any shipment than the rates in Section No. 1 of this Tariff, the rates in Section No. 2 will be applied.

Index No.	BETWEEN (except as noted) MOBILE, ALA. (see Item No. 20, page 9) AND	CLASSES														
		In Cents per One Hundred Pounds.														
		O1	O2	O3	O4	O5	O6	OA	OB	OC	OD	KE	LE	ME	NE	O
1	Main Line.															
2	Three Mile Creek....Ala	22	18	16	14	12	11	12	14	9	5	11	9	6	3	2
3	Prichards.....Ala	22	18	16	14	12	11	12	14	9	5	11	9	6	3	2
4	Barker Cotton Mills....Ala	22	18	16	14	12	11	12	14	9	5	11	9	6	3	2
5	M. & B. S. Junction....Ala	22	18	16	14	12	11	12	14	9	5	11	9	6	3	2
6	Whistler.....Ala	22	18	16	14	12	11	12	14	9	5	11	9	6	3	2
7	Eight Mile.....Ala	22	18	16	14	12	11	12	14	10	5	11	9	6	3	2
8	Paynes.....Ala	25	21	18	15	12	11	12	14	10	5	11	9	7	3	2
9	Kushla.....Ala	25	21	18	16	14	12	13	15	11	6	12	10	7	4	3
9	Mauvilla.....Ala	25	21	18	16	14	12	13	15	11	6	12	10	7	4	3

① Rates apply only to Mobile, Ala., and points taking same rates, as per Item No. 20, page 9 (southbound), except 5th and 6th Class and Class A rates will also apply on Paper and Paper Bags (rated 5th and 6th Class and Class A in Southern Classification referred to on title page) from Mobile, Ala., and points taking same rates as per Item No. 20, page 9, to stations on the Mobile & Ohio R. R. shows herein.

M & O 11650

### SECTION No. 1—Continued.

If the rates in Section No. 2 of this Tariff make a lower charge on any shipment than the rates in Section No. 1 of this Tariff, the rates in Section No. 2 will be applied.

Index No.	TO (except as noted) MOBILE, ALA. (See Item No. 20, page 9) FROM	GENERAL COMMODITIES														
		In Cents per One Hundred Pounds (except as noted)														
		Barrel, Empty Oil, any quantity, per barrel.	Cases, Empty Soda Water, returned, per case (minimum charge for a single shipment 15 cents).	① Forest Products, viz.: Lumber, Slaves, Log, Timber, etc., in straight or mixed carload, minimum weight 40,000 pounds (File No. 206426)	② Fruit, viz.: Oranges, Grapefruit, etc., in straight or mixed carload, minimum weight 40,000 pounds per box (File No. 242016)	Gain and Grain Products, viz.: Corn Meal, etc., in bage; Poultry Feed (bulk), in bage; Oats and Wheat, straight or mixed carload. (File No. 260485)	Hay, carload minimum weight 20,000 pounds (File No. 137641)	Razle.								
		O.L.	L.O.L.	O.L.	L.O.L.	O.L.	L.O.L.	O.L.	L.O.L.	O.L.	L.O.L.	O.L.	L.O.L.	O.L.	L.O.L.	O.L.
260	Main Line.															
261	Three Mile Creek....Ala			1.67		11				6	10		8		12	
262	Prichards.....Ala			1.67		11				6	10		8		12	
263	Barker Cotton Mills....Ala			1.67		11				6	10		8		12	
264	M. & B. S. Jct....Ala			1.67		11				6	10		8		12	
265	Whistler.....Ala	17	15	1.67						6	10		8		12	
266	Eight Mile.....Ala	17	15	1.67						6	10		8		12	
267	Paynes.....Ala	17	15	② 2.08						6	10		8		12	

① Applies to Mobile, Ala., only.

② Rate on Logs, carload. 2 cents per one hundred pounds.

M & O 11650

### SECTION No. 2.

If the rates in Section No. 1 of this Tariff make a lower charge on any shipment than the rates in Section No. 2 of this Tariff, the rates in Section No. 1 will be applied.

DISTANCES (For table of distances, see Index of Stations, pages 6, 7 and 8, and Freight Tariff No. 4161, I.C.C. No. A-623 and Supplements or releases.)	CLASSES														
	In Cents Per One Hundred Pounds														
	1	2	3	4	5	6	A	B	C	D	K	L	M	N	O
5 miles and under. . .	② 25	22	② 19	② 16	② 14	② 11	② 11	15	② 9	7	14	12	6	3	3
10 miles and over 5. .	② 23	② 20	② 17	② 14	② 11	② 11	② 13	16	② 8	8	15	13	8	3	4
15 miles and over 10. .	② 31	② 27	② 24	② 20	② 17	② 14	② 14	17	② 13	10	18	16	7	4	4
20 miles and over 15. .	② 34	② 30	② 26	② 22	② 19	② 15	② 15	19	② 14	11	19	17	7	4	5
25 miles and over 20. .	② 37	② 32	② 28	② 24	② 20	② 17	② 17	21	② 15	12	20	18	8	5	5

No. 410), Agent W. R. Powe's I. C. C. No. 20, supplements thereto or reissues thereof; on Cotton Bagging and Cotton Ties, apply class rates published in this tariff, supplements thereto or reissues thereof. (Advance.)

As has been explained, the Commission requires the specific cancellation of a rate, and this illustrates a method employed in making such cancellation of rates carried in the tariff cancelled by this issue. Such specific cancellation is necessary, for the reason that the rates carried in the former issue were not carried forward in the new tariff.

It will be noted that both the class and commodity rates are carried in Section 1 of the tariff. As no alternative application is provided the commodity rates take precedence over the class rates and must be used instead of such class rates, even though the latter would make a lower charge.

The distance rates, however, being in Section 2 of the tariff, with the necessary alternative application, are applicable, if such distance rates make a lower charge than either the class or commodity rates named in Section 1 of the tariff.

Exhibit No. 37 also illustrates the importance of paying particular attention to reference marks. While the heading of the class rate column indicates that the rates apply between Mobile and stations named, that is in both directions, reference mark No. 6 restricts the application of certain rates to Mobile only, while others are made to apply from Mobile only. Again, reference mark No. 2 shown opposite Paynes, Ala., under heading of Forest Products in the commodity column makes a different rate on Logs than is applicable on other Forest Products enumerated at the head of the column, while reference



mark No. 1 makes the rates on those commodities apply to Mobile only.

**(3) Joint Distance or Mileage Tariffs.** Joint distance or mileage class or commodity, or class and commodity, tariffs may be issued by two or more carriers, for use in determining rates on their own lines, but such distance class rates may only be used when no other joint class rates are provided and such distance commodity rates may be used only when no other joint commodity rates are provided.

The arrangement of such joint distance tariffs must conform to the specifications of the Commission governing the construction of joint tariffs. The form shown for a local distance tariff is generally followed, with additional parts showing participating carriers and concurrences. The distances may be shown separately for each of the carriers or may be computed from points of origin to points of destination.

**(4) Joint Class and Commodity Tariffs.** (Sectional and Alternative.)

The tariff illustrated in Exhibit No. 38 embraces practically all constructional features of joint tariffs. It is constructed in sections, providing for alternative use of class, commodity and distance rates, locally, jointly and proportionally. It will be noted that it follows the specifications of construction prescribed by the Interstate Commerce Commission, which have been heretofore specifically illustrated. Many carriers issue tariffs in this form, because of the economy and convenience thereby effected.



## EXHIBIT No. 38.

Only three Supplements to this Tariff  
will be in effect at any time.

L. C. O. No. 7222.  
(See page 2 for Cancellations.)

**TARIFF No. 5896-G.**

(See page 3 for Cancellations.)

Atchison, Topeka & Santa Fe Railway  
Gulf, Colorado & Santa Fe Railway (FX-4, No. 72)  
Panhandle & Santa Fe Railway (FX-5, No. 1)  
Kansas Southwestern Railway (FX-4, No. 2)  
Leavenworth & Topeka Railway (FX-4, No. 74)  
Rio Grande, El Paso & Santa Fe Railroad (FX-5, No. 1)  
Oil Fields & Santa Fe Railway (FX-5, No. 1)

ALSO

New Mexico Central Railroad (FX-5, No. 140)

(Ralph C. Ely, Receiver.)

IN CONNECTION WITH

PARTICIPATING CARRIERS AS SHOWN ON PAGE 4.

**LOCAL, JOINT AND PROPORTIONAL TARIFF**

APPLYING ON

**CLASSES AND COMMODITIES**

BETWEEN

Chicago, Ill., Peoria, Ill., St. Louis, Mo., Kansas City, Mo., St. Joseph, Mo., Galveston, Tex., —  
Ft. Worth, Tex., Little Rock, Ark., Memphis, Tenn., New Orleans, La., Etc.,  
and Points Taking Same Rates as shown herein,

AND

Points in New Mexico on Atchison, Topeka & Santa Fe Railway, and New Mexico Central R. R.;  
points on Rio Grande, El Paso & Santa Fe R. R. (except El Paso, Tex.), also points on  
Panhandle & Santa Fe Ry., Angeles, Tex., to Patrole, Tex., incl.

Governed, except as otherwise provided herein, by the Western Classification No. 53 (R. C. Fyfe, Agent,  
I. C. C. No. 11), supplements thereto and reissues thereof.

Issued February 19, 1916.

Effective April 1, 1916.

(Departure from the Commission's rules in the publication of alternative rate bases authorized on page 80 is permitted until  
May 14, 1916, under authority of Interstate Commerce Commission order of October 11, 1915, unless by reissue of, or supplement to,  
this tariff it is brought into conformity with the Commission's regulations at an earlier date.)

F. B. HOUGHTON,  
G. T. M. A. T. & S. F. Ry.  
CHICAGO, ILL.

J. S. BARTLE,  
A. F. T. M. A. T. & S. F. Ry.  
CHICAGO, ILL.

J. R. KOONTZ,  
O. F. A. A. T. & S. F. Ry. and E. &  
F. A. L. & T. Ry.  
TOPEKA, KAN.

F. M. MANTER,  
A. O. F. A. A. T. & S. F. Ry.  
CHICAGO, ILL.

J. B. HERBMEY,  
O. F. A., O. C. & S. F. Ry.  
GALVESTON, TEX.

J. BRINKER,  
O. F. A. P. & S. F. Ry.  
AMARILLO, TEX.

W. R. BROWN,  
O. F. A., R. G. & S. F. R. R.,  
EL PASO, TEX.

Issued by  
A. G. SHEEN,  
Chief of Tariff Bureau,  
CHICAGO, ILL.

THE KENTY & REPAIR CO. PRINTERS, CHICAGO. (9046-9000-37257)

Tariff No. 5896-G.—Classes and Commodities between Chicago, St. Louis, Kansas City, etc., and stations in W. M., and Tex., on A. T. & S. F. R.,  
R. G. & S. F. R. R., P. & S. F. Ry. and E. & F. A. L. & T. Ry.

## EXHIBIT No. 38—Continued.

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## § 3. Constructional Arrangement of Tariff.

The following index indicates the proper constructional arrangement of tariffs, as authorized by the Interstate Commerce Commission under various rules published in Tariff Circular 18-A.

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Title-page .....	3
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## EXHIBIT No. 38—Continued.

Authority of  
I. C. C. Tar. Cir.  
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## LIST OF PARTICIPATING LINES.

NAME.	Concurrence.		NAME.	Concurrence.	
	FX-	No.		FX-	No.
Ablene & Southern Railway.....	2	21	Michigan Central Railroad.....	4	27
Ahnapee & Western Railway.....	5	129	Midland Valley Railroad.....	4	5
Baltimore & Ohio Chicago Terminal Railroad.....	4	222	Minneapolis & St. Louis Railroad.....	5	B-20
Beaumont, Sour Lake & Western Ry. Co.....	5	21	Minneapolis, St. Paul & Sault Ste. Marie Railway...	5	591
(Frank Andrews, Receiver.)			Missouri & North Arkansas Railroad.....	3	R-156
Butler County Railroad.....	5	13	(John Scullin, Jesse McDonald, W. S. Holt, Receivers.)		
Chicago & Alton Railroad.....	5	31	Missouri, Kansas & Texas Railway.....	4	198
Chicago & Eastern Illinois Railroad.....	5	210	(C. E. Schaff, Receiver.)		
(William J. Jackson, Receiver.)					

## TARIFF NUMBERS OF INDIVIDUAL LINES.

ROADS.	CURRENT TARIFF Nos.	CANCELLED TARIFF Nos.
Beaumont, Sour Lake & Western Railway (Frank Andrews, Receiver.)	395-D.....	395-C and 354-C.
Chicago & Alton R. R.	2825-D.....	2825-C, 2834-C, 2852-C and 2481-A.
Chicago & Eastern Illinois R. R. (William J. Jackson, Receiver.)	Frl. Trf. 7822.....	529-C, 224-C and 6515-A.
Chicago & North Western Railway	G. F. D. 8951-D.....	5890-D, 8951-C and 5835-C.
Chicago, Burlington & Quincy R. R.	G. F. O. 11873-A.....	864-D, 255-D, 8955-B and 3300-D.

## INDEX OF COMMODITIES—Continued.

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Brakes, Railway.....	1520	Cans:	
Brass.....	1220	Barrel, Paper.....	1455, 2800
Brandy.....	1835	Blasting, Electrical.....	105
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Brick.....	10, 1915	Roofing, Tin.....	300, 1535
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## INTERPRETATION OF TARIFFS

## EXHIBIT No. 38—Continued.

## TARIFF REFERENCE TO COMMODITIES NOT INCLUDED IN THIS TARIFF.

See following tariffs, supplements thereto and reissues thereof:

COMMODITY.	Tariff No.	I. C. C. No.	COMMODITY.	Tariff No.	I. C. C. No.
Brick and Hollow Building Tile.....	5730-E	5785	Cotton Seed Cake, Meal and Hulls....	5812-M	5
Broom Corn.....	6498-F	6829	( <i>See F. A. Leland's I. C. C. No. 1101.</i> )		
Cement, Portland.....	6461-E	5669	Grain.....	6498-F	6829
	7532-D	6017	Grain Products.....	6498-F	6829

## LIST OF STATIONS ON ATCHISON, TOPEKA &amp; SANTA FE RY., RIO GRANDE, EL PASO &amp; SANTA FE R. R., PANHANDLE &amp; SANTA FE RY., AND NEW MEXICO CENTRAL R. R., IN NEW MEXICO AND TEXAS, FROM AND TO WHICH RATES APPLY.

STATIONS.	Index No.	STATIONS.	Index No.	STATIONS.	Index No.	STATIONS.	Index No.
Buchanan..... N. M.	142	*Cardiner..... N. M.	96	Mountainair..... N. M.	127	*Tejon..... N. M.	137
		*Cato..... N. M.	11			*Tocco..... N. M.	159
		*Giso..... N. M.	35			*Thompson..... N. M.	102
*Camalero (N. M. C.) N. M.	244	*Glorieta..... N. M.	40	*Negra..... N. M.	134	*Tipton..... N. M.	115
		*Grama..... N. M.	77	*Nolan..... N. M.	15	Tolar..... N. M.	151

## LIST OF POINTS FROM AND TO WHICH RATES APPLY.

(Except Points on A. T. &amp; S. F. Ry., R. G. E. P. &amp; S. F. R. R. and P. &amp; S. F. Ry. in New Mexico and Texas, see page 18; also except Individual Points shown on pages 20, 21, 22 and 23.)

POINTS FROM AND TO WHICH RATES APPLY.	SEE ALSO PAGE Nos.
Arkansas. For alphabetical list of stations, see pages 41 to 72, inclusive.....	33, 36, 288, 291, 301
Illinois. For alphabetical list of stations, see "Santa Fe" Circular No. 2018-J, "Southwestern Lines" Territorial Directory No. 1-D, F. A. Leland, Agent, I. C. C. No. 1053, supplements thereto and reissues thereof; also "Santa Fe" Tariff No. 11196-D (Agent L. A. Lowrey's Tariff No. 20-E, I. C. C. No. 22), supplements thereto and reissues thereof.....	30, 32, 38

## INDIVIDUAL POINTS FROM WHICH RATES APPLY

(Except points on A. T. &amp; S. F. Ry. and N. M. C. R. R. in New Mexico, also except points in Texas on R. G. E. P. &amp; S. F. R. R. and P. &amp; S. F. Ry. See Page 18 for list.)

STATIONS.	PAGE Nos.	STATIONS.	PAGE Nos.	STATIONS.	PAGE Nos.
Acme..... Tex.	118, 119, 268	Fraser..... Mo.	34	Omaha..... Neb.	35, 102 to 115, 117, 122 to 226
Agency Ford..... Mo.	34	Fredonia..... Kan.	230, 231, 264	Ory..... La.	31
Ajax..... Mo.	34	Fullam..... La.	31	Ovalo..... Tex.	262
Alcazar..... La.	31	Fulda..... La.	31	Paoli..... Kan.	254
Algiers..... La.	31	Gainesville..... Tex.	233, 292, 293, 294	Peru..... Kan.	230, 292, 293, 294
Almeda..... La.	31	Galveston..... Tex.	15, 111 to 114, 23, 239, 238, 282, 236, 238, 241, 244, 16, 28	Pocora..... Ill.	32, 102 to 105, 107 to 115, 117, 122 to 226
Amesville..... La.	31	Garryville..... La.	31	Pittsburg..... Kan.	230, 231, 240
Angola..... La.	31	Gates..... Tex.	292, 293, 294	Platteberg..... La.	31
Asdmore..... Okla.	292, 293, 294	Gtraui..... La.	31	Pocca City..... Okla.	262, 292, 293, 294
Arkansas City..... Kan.	120				
Atherton..... Mo.	34				

## EXCEPTIONS TO CURRENT WESTERN CLASSIFICATION.

Item No.	ARTICLES.	CLASSIFICATION.	
		I. C. L.	C. L.
5	Asphalt (Asphaltum), Natural or By-product: Asphalt, Liquid; in tight barrels or in tank cars, in straight carloads; or in mixed carloads with Solid Asphalt, in packages or in bulk NOTE.—Min. wt. in tank cars, see Item No. 695, or reissues; in barrels, 40,000 lbs.		D
10	Brick, C. L.		Class rates will not apply to and from points Tocco, N. M., to Patrole, Tex., incl. (Index Nos. 159 to 202, incl.)



## EXHIBIT No. 38—Continued.

## APPLICATION OF RATES.

## CHICAGO, ILL., RATES.

ITEM No. 250.—Chicago, Ill., rates apply at points named in paragraphs (A) to (M), inclusive, below, when reference is made to this item:

POINTS TAKING CHICAGO, ILL., RATES, OR DIFFERENTIALS HIGHER.	On Traffic To and From Points Named Below. (Except as Noted.)	ROUTING.
(A) Chicago, Ill., and points taking same rates, or differentials higher, as authorized in Southwestern Lines' Territorial Directory No. 1-D, F. A. Leland (Agent), I. C. C. No. 1053, "Santa Fe" Circular No. 2018-J, supplements thereto and reissues thereof, applicable to New Mexico traffic.....	<b>New Mexico.</b> Points on A. T. & S. F. Ry., (except Rincon to Berino, incl., Avalon to Red Bluff, incl., and Hatch to Fierro, incl.)..... (Index Nos. 1 to 77, incl., and 96 to 190, incl.) Points on N. M. C. R. R., (except Santa Fe, Kennedy and Willard, N. M.) (Index Nos. 231 to 245, incl.)	Route as per "Santa Fe" Circular No. 2000 (no I. C. C. No. shown), supplements thereto and reissues thereof, except as otherwise provided in tariff.

**LIST OF STATIONS TAKING EL PASO, FT. WORTH, GALVESTON, KANSAS GROUPS 1, 2 OR 3, LITTLE ROCK, MEMPHIS, NEW ORLEANS, OMAHA AND SHREVEPORT RATES OR DIFFERENTIALS HIGHER.**

(For application of rates, see Items Nos. 290, 295, 296, 315, 320, 325, 330, 335, 345 and 350, or reissues.)

STATIONS.	Railroad on which Located.	Rates to Apply. (Except as noted.)	STATIONS.	Railroad on which Located.	Rates to Apply. (Except as noted.)
*Rumsey.....Neb.	C.R.I. & P.....	Omaha.	San Angelo.....Tex.	G.C. & S.F.....	Galveston.
*Rush.....Tex.	G.C. & S.F.....	Galveston.	San Antonio.....Tex.	I. & G.N.....	Galveston.
Rush Centre.....Kan.	A.T. & S.F.....	Kansas Group 2'	San Antonio.....Tex.	M.K. & T.....	Galveston.
*Rusk.....Tex.	T. & N.O.....	Galveston.	San Antonio.....Tex.	G.H. & S.A.....	Galveston.
*Ruska.....Okla.	O.F. & S.F.....	See Item No. 381.	*San Antonio Union		
Ruskin.....Neb.	C.R.I. & P.....	Omaha.	Stock Yards.....Tex.	G.H. & S.A.....	Galveston.
Russell Spur.....La.	T. & P.....	New Orleans.	San Antonio Union	I. & G.N.....	Galveston.
Russellville.....Ark.	St. L. I. M. & S.....	Little Rock.	Stock Yards.....Tex.		

**LIST OF POINTS TAKING DIFFERENTIALS HIGHER THAN FT. WORTH OR GALVESTON, TEX., RATES—Continued.**

ITEM No. 385.—On shipments to or from following points on G. H. & S. A. Ry. west of San Antonio, through rates will be obtained by adding differentials shown to (G. H. & S. A. Ry.) San Antonio, Tex. (Galveston), rate, where reference is made hereto in Rate Sections Nos. 1 and 2 only.

(Route via "Santa Fe" and Rosenberg, Tex., or vice versa.)

G. H. & S. A. Ry. Stations.	Differentials in Cents per 100 Lbs.									
	1	2	3	4	5	A	B	C	D	E
Alpine.....Tex.	37	30	32	31	21	21	20	15	15	15
*Altuda....."	37	30	32	31	21	21	20	15	15	15
*Amanda....."	12	13	17	18	11	10	11	5	5	5
*Anacacho....."	12	12	13	14	8	10	8	5	5	5



## INTERPRETATION OF TARIFFS

## EXHIBIT No. 38—Continued.

## ALTERNATIVE APPLICATION—SEE NOTE.

Departure from the Commission's rules in the publication of alternative rate bases authorized herein is permitted until May 14, 1916, under authority of Interstate Commerce Commission order of October 11, 1915, unless by reissue of, or supplement to, this tariff it is brought into conformity with the Commission's regulations at an earlier date.

ITEM No. 510. (Expires May 14, 1916, unless sooner cancelled.)

If the rates and charges applicable to Deming, N. M., from points of origin as published and provided for in Tariff No. 5970-J (Trans-Continental Freight Bureau Tariff No. 1-O, C. C. McCain, Agent, I. C. C. No. 19, Eugene Morris, Agent, I. C. C. No. 575, R. H. Countiss, Agent, I. C. C. No. 1019), supplements thereto and reissues thereof, will make a lower charge than can be arrived at by the use of the rates and charges published in this tariff, or supplements thereto, to stations:

Lynn, N. M., to White's Spur, Tex., incl. (Index Nos. 1 to 95, incl.),

Madrone, N. M., to Black Tower, N. M., incl. (Index Nos. 121 to 157, incl.),

Texico, N. M., and Clovis, N. M. (Index Nos. 159 and 160.),

Hatch, N. M., to Nutt, N. M., incl. (Index Nos. 208 to 211, incl.),

Florida, N. M., and Mirage, N. M. (Index Nos. 214 and 215.),

Clark, N. M., to Torrance, N. M., incl. (Index Nos. 233 to 245, incl.),

or in combination with other rates and charges from points as published in tariffs lawfully on file with the Interstate Commerce Commission, the rates and charges named in Tariff No. 5970-J (Trans-Continental Freight Bureau Tariff No. 1-O, C. C. McCain, Agent, I. C. C. No. 19, Eugene Morris, Agent, I. C. C. No. 575, R. H. Countiss, Agent, I. C. C. No. 1019), supplements thereto and reissues thereof, from points of origin to Deming, N. M., will govern.

NOTE.—The above alternative application to apply only where points of destination mentioned above are directly intermediate between point of origin and Deming, N. M., via route authorized in Trans-Continental Freight Bureau Tariff No. 1-O, C. C. McCain, Agent, I. C. C. No. 19, Eugene Morris, Agent, I. C. C. No. 575, R. H. Countiss, Agent, I. C. C. No. 1019.

## RULES AND REGULATIONS.

Item No.	SUBJECT.	RULES.
520	Basis for Rates from or to Points East of Indiana-Illinois State Line.	Except as authorized in Item No. 250, paragraphs "A, B, C, D and E," or reissues, rates from or to points east of Indiana-Illinois State Line, as described in Item No. 525, or reissues, will be the combination of local rates. There are no through rates in effect in this tariff from or to points east of Indiana-Illinois State Line except as referred to in Item No. 250, or reissues.
570	Beer, Heated Car Service with Shipments of.	Carload shipments of Beer, in refrigerator cars equipped with portable heaters of such construction as to safety as may be duly approved by the initial carrier, will be accepted and transported without attendants in charge.
725	Stop-Over Privileges, Time Allowed.	Where a stop in transit is authorized, for the purpose of either loading or unloading, such stop will not exceed 48 hours at each point where car is stopped.

## EXHIBIT No. 38—Continued.

## RATE SECTION No. 1.

If the rates in Section 1 of this tariff make a lower charge on any shipment than the rates in Sections 2 or 3 of this Tariff, the rates in Section 1 will be applied.

## APPLICATION.

(A) At directly intermediate points on the same line in the territory covered by this tariff to which no class rates are shown in this section, the rates named to the next more distant station on the same line will apply. (See Exception.)

(B) At directly intermediate points on the same line in the territory covered by this tariff from which no class rates are shown in this section, the rates named from the next more distant station on the same line will apply. (See Exception.)

EXCEPTION.—Will not apply in connection with Louisville & Nashville R. R.

NOTE.—For a complete list of "Santa Fe" stations, see "Santa Fe" Circular No. 2181-B (I. C. C. No. 6830), supplements thereto and reissues thereof.

## SPECIAL NOTICE.

See Item No. 500, page 66, for reference to Interstate Commerce Commission Order relative to Class rates.

## SECTION No. 1—CLASS RATES—Continued.

Index No.	BETWEEN.	AND Points named below and stations taking same rates as authorized in Items Nos. 230, 235, 238, 275, 280, 285, 290, 296, 315, 320, 325, 330, 335, 345 and 350, or reissues.	Rates in Cents per 100 Lbs.									
			1	2	3	4	5	A	B	C	D	E
		Kansas City....Mo.	155	132	109	93	78	81	62	54	46	39
		(See Note 1.)										
		St. Joseph....Mo.	155	132	109	93	78	81	62	54	46	39
		(See Note 1.)										
		Kansas Group 1..	165	142	117	101	84	87	67	58	49	42
		Kansas Group 2...	170	145	119	102	85	88	68	60	51	43
		Kansas Group 3...	170	145	119	102	85	88	68	60	51	43
		St. Louis.....Mo.	185	157	130	111	93	97	74	64	55	47
		Omaha.....Neb.	195	167	137	116	94	98	75	65	55	46
		Peoria.....Ill.	205	174	140	116	98	104½	81½	69	60	52
159	Texico. . . N. M.	Chicago.....Ill.	205	174	140	116	98	104½	81½	69	60	52
160	Clovis . . . N. M.	Galveston....Tex.	170	144	123	107	86	91	72	62	53	46
		(See Note 4.)										
		Ft. Worth....Tex.	150	130	115	100	81	84	70	59	48	41
		(See Notes 2 and 4.)										
		El Paso.....Tex.	150	130	115	100	87	84	76	59	56	41
		(See Note 3.)										
		New Orleans...La.	185	157	130	111	93	97	74	64	55	47
		(See Note 4.)										
		Memphis....Tenn.	185	157	130	111	93	97	74	64	55	47
		Little Rock...Ark.	185	157	130	111	93	97	74	64	55	47
		Shreveport....La.	185	157	130	111	93	97	74	64	55	47

\*No Agent. On shipments destined to points prefixed thus (\*); freight charges must be prepaid.

NOTE 1.—Rates will not apply from Enid, Okla., Oklahoma City, Okla., Arkansas City, Hutchinson, Kiowa, Mulvane and Wichita, Kas., on 1st, 2d, 3d and 4th Classes. For rates, see pages 119 and 120.

NOTE 2.—Rates will not apply from Acme, Ft. Worth, North Ft. Worth, Dallas and Waco, Tex., to stations Texico, N. M., and Clovis, N. M. (Index Nos. 159 and 160). For rates, see pages 118 and 119.

NOTE 3.—Rates apply between points on the Texas & Pacific Ry. taking El Paso rates, as authorized in Item No. 315, or reissues (except El Paso, Tex., proper), and points in New Mexico, as shown above on A. T. & S. F. Ry., route via Pecos, Tex.

NOTE 4.—To make same rates to or from (as case may be), points named in Items Nos. 365, 370, 375, 380, 381, 385, 390, 395 and 400, or reissues, add the differentials provided in these items to the Ft. Worth, Galveston, San Antonio, San Angelo, Stamford, Tex., or New Orleans, La., rates.

## EXHIBIT No. 38—Continued.

## RATE SECTION No. 2.

If the rates in Section 2 of this Tariff make a lower charge on any shipment than the rates in Sections 1 or 3 of this Tariff, the rates in Section 2 will be applied.

## APPLICATION.

(A) At directly intermediate points on the same line in the territory covered by this tariff to which no commodity rates are shown in this section, the rates named to the next more distant station on the same line will apply. (See Exception.)

(B) At directly intermediate points on the same line in the territory covered by this tariff from which no commodity rates are shown in this section, the rates named from the next more distant station on the same line will apply. (See Exception.)

EXCEPTION.—Will not apply in connection with Louisville & Nashville R. R.

NOTE.—For a complete list of "Santa Fe" stations, see Circular No. 2181-B (I. C. C. No. 6830), supplements thereto and reissues thereof.

## SECTION No. 2—Continued.

Item No.	ON	TO	RATES IN CENTS PER 100 LBS.						
			FROM						
			Points named below and stations taking same rates as authorized in Items Nos. 250, 255, 265, 270, 275 and 276.						
			Kansas City Mo. St. Joseph...	Omaha...	Wichita...	St. Louis...	Peoria...	Chicago...	St. Paul, Minn.
1065	<b>Brick and Tile:</b> Common Brick (will not apply on Face, Paving, Porous, Ornamental, Pressed, Radial, Hollow, Enameled, Bath or Fire Brick, Fire Clay or Brick Tile), C. L. .... Min. wt. marked capacity of car but not less than 50,000 lbs.	Koehler Jct.. N. M.	25	...	...	30	32½	35	...
		*Koehler..... "	25	...	...	30	32½	35	...
		Colfax..... "	25	...	...	30	32½	35	...
		Cimarron..... "	31	...	...	36	38½	41	...
		Ute Park..... "	33	...	...	38	40½	43	...
		Santa Fe.... N. M.	25	...	...	30	32½	35	...
		Willard..... N. M.	25	...	...	30	32½	35	...
		Vaughn..... "	25	...	...	30	32½	35	...
		Ft. Sumner.... "	22	...	...	29½	31½	33½	...
		Texico..... N. M.	20	...	...	27½	29½	31½	...
		Clovis..... "	20	...	...	27½	29½	31½	...
		Portales..... "	22	...	...	29½	31½	33½	...
		Roswell..... "	25	...	...	30	32½	35	...
		Artesia..... "	25	...	...	30	32½	35	...
		Oriental..... "	25	...	...	30	32½	35	...
		Carlsbad..... "	25	...	...	30	32½	35	...
		*Red Bluff..... "	25	...	...	30	32½	35	...
		*Angeles..... Tex.	25	...	...	30	32½	35	...
		*Patrole..... "	25	...	...	30	32½	35	...

## EXHIBIT No. 38—Continued.

## SECTION No. 3.

## DISTANCE TARIFF RATES.

## General Application.

Rates on pages 307, 308 and 309 apply as follows:

Item No. 3725—**Between** stations in Kansas and Oklahoma on A. T. & S. F. Ry., **and** stations in New Mexico on A. T. & S. F. Ry., Index Nos. 1 to 90, incl., 96 to 197, incl., and 203 to 220, incl.

Exception.—Rates will not apply to or from points on the Santa Rita and Hanover Branches on the one hand, and points in Kansas and Oklahoma on the other.

Note 1.—For list of stations in Kansas, Oklahoma and New Mexico, see "Santa Fe" Circular No. 2181-B, I. C. C. No. 6830, supplements thereto and reissues thereof.

## Alternative Application.

Item No. 3730.—If the use of the Distance Tariff on pages 307 to 311 of this tariff makes a lower charge on any shipment than the specific rate shown in this tariff, such lower charge will apply.

## Section No. 3—Distance Tariff Rates—Continued.

MILES When exact distance is not shown use next greater dis- tance.	Class Rates in Cents per 100 Pounds.									
	1	2	3	4	5	A	B	C	D	E
10 .....	22	20	18	17	15	16	14	12	10	8
15 .....	24	22	20	19	16	17	15	14	13	9
20 .....	27	25	23	21	16	17	15	14	13	9
25 .....	28	26	23	21	17	18	15	14	13	10
30 .....	29	27	24	22	18	19	16	14	13	10
35 .....	29	27	24	22	18	19	16	15	13	11
40 .....	30	27	24	22	19	20	17	16	14	11
45 .....	32	28	27	24	21	21	18	16	14	12
50 .....	35	32	30	27	23	23	20	17	15	12
55 .....	38	35	32	29	25	25	22	17	16	13

**EXHIBIT No. 39.****Proportional Rates from Memphis, Tenn.**

Item No. 340.—Rates on Classes and Cotton Piece Goods, authorized herein as applying from East St. Louis, Ill. (Mississippi River), to points in New Mexico, will apply as proportional rates from Memphis, Tenn., on business originating in States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, and the following Virginia common points: Alexandria, Basic, Buchanan, Buena Vista, Charlottesville, Clifton Forge, Doswell, Fredericksburg, Glasgow, Gordonville, Hampton, Lexington, Lynchburg, Newport News, Norfolk, Orange, Petersburg, Phoebus, Portsmouth, Richmond, Roanoke, Smithfield, Staunton, Suffolk and Waynesboro, Va.

Route via St. L. & S. F. R. R. and Kansas City, Mo.

**§ 4. Sectional Tariffs.**

Carriers are permitted to issue tariffs in sections for the alternative use of rates. The class rates are placed in one section, and the commodity rates in another section. If desired a distance tariff between the same points may be included in still another section. The alternative use of the rates consists in permitting the application of the rate in either of the sections which provides the lower charge. Thus, if a commodity rate is named on a particular article between two points, and the class rate in another section of the tariff, applied to the classification or exception rating of that article, makes a lower charge than the commodity rate, then the class rate may be used, or vice versa, with commodity rates making lower than either the class or distance rates. In this particular tariff the distance rates are confined to application between stations in the states of Kansas and Oklahoma, and in those states, if the dis-



tance rates make a lower charge than either the class of commodity rates shown in Section 1 and 2, respectively, the distance rates may be used.

Example No. 1. To ascertain fifth class rate from Chicago, Ill., to Texico, N. M.: Refer to list or index of stations to which rates apply and ascertain the index number which is 159. Turn to Section 1, table of class rates, and there will be found opposite Index No. 159 Texico, N. M., with fifth class rate between Chicago and Texico, of 98 cents per 100 pounds.

Excerpts from the tariff, illustrating the application of rates, will be found on page 237. Item No. 250 refers to Southwestern Lines Territorial Directory for list of points taking Chicago rates. This is followed by extract from list of stations taking El Paso, Fort Worth, Galveston, etc., rates. Then follows list of points taking differentials higher than San Antonio rates (San Antonio being a Galveston rate point as per list of stations taking Galveston rates), showing differentials in cents per 100 pounds to be added to the Galveston rate, where reference is made to the item in rate Sections 1 and 2. By referring to Section 1, opposite Texico, N. M., under Galveston, it will be found reference is made to Note. 4. Note 4 refers specifically to Item No. 385.

Thus, to ascertain the first class rate from Texico, N. M., Index No. 159, to Alpine, Tex., add to the first class rate opposite Galveston (i. e., \$1.70 per 100 pounds) the first class differential of 37 cents shown opposite Alpine, Tex., in Item No. 385, making the first class rate from Texico, N. M., through to Alpine, Tex., \$2.07 per 100 pounds.

Example No. 2. To ascertain rate on brick from Kansas City, Mo., to Texico, N. M., refer to index of commodi-



ties to get item numbers covering this commodity, Item No. 1065 being shown. This item, we find, carries a rate from Kansas City, Mo., to Texico, N. M., of 20 cents per 100 pounds, minimum weight marked capacity of car, but not less than 50,000 pounds. The index of commodities also refers to Item No. 10. This item is reproduced on page 236 and provides that class rates will not apply on brick to and from Texico, N. M. Therefore, inasmuch as the tariff specifically provides that the class rates will not apply on brick, there is no alternative rating on this commodity to or from Texico, and the commodity rate, as per Section 2 of the tariff, must be applied, even though the class rate would make a lower charge.

While the rules of the Commission prohibit the alternative use of rates named in different tariffs, the Commission has, as a result of complications which could not be immediately disposed of, departed from this rule in some few instances, and this tariff is one of such departures, as will be noted by reference to the alternative application reproduced on page 238. Specific authority for, and the extent of such departure, is clearly outlined and the date on which such alternative application will expire is shown.

The tariff from which these examples are taken consists of 311 pages and no doubt would appear, to anyone not familiar with tariffs and their construction, as a complicated puzzle which no one but an expert could solve. Nothing is farther from the fact. A knowledge of the Commission's rules as to construction of tariffs makes this tariff entirely simple and easy of interpretation.

### § 5. Proportional Rates in Joint Tariffs.

In the absence of joint through rates the universal practice of carriers is to make up the rate by combination

of the rates of the several carriers participating in one movement, and collecting, as delivering carriers, the aggregate charges of the several carriers, accounting to such carriers for their several portions of the through charges. Such an application of local rates has the same binding effect as a joint rate, both as between the carriers and between the carriers and shippers. The rule laid down by the Commission is that carriers may construct rates for through shipments to and from points, to and from which there is no applicable published joint rate, by using lawfully published and filed bases, locals or proportionals, in connection with other lawfully established tariffs. Thus the practice is frequently resorted to, where through joint rates are not in effect, for a carrier or carriers to fix a scale of rates, lower than the local or joint rates to a given point in the route of through traffic, which are termed "proportional rates" and their application restricted to traffic either coming from, or going beyond, the point to which the proportional rates are made. Thus, proportional rates are published from Chicago to Ohio River crossings, applying only on traffic moving from Chicago to certain points in the South; or, proportional rates are applied from Cleveland to eastern points on traffic coming off of the Great Lakes.

Proportional rates, when published in a tariff, must clearly specify the extent and manner of their use, and may not be applied to traffic other than that for which they are specifically established. Tariffs carrying proportional rates that are intended for use in connection with published basing rates, must show I. C. C. number of the basing tariff or tariffs.

In Exhibit No. 39, a part of the tariff as shown in Exhibit No. 38, proportional rates are provided from Mem-

phis, Tenn., on classes and cotton piece goods, when originating in eastern states named. This means that the rates shown in the tariff, on classes and cotton piece goods from Memphis, Tenn. (which are the same as from East St. Louis, Ill.) to points in New Mexico, may only be applied upon the traffic named, when such traffic originates in the eastern states named, and is destined through to points designated in New Mexico. The eastern lines charge and receive their rates to Memphis, and the Santa Fe lines and connections apply the proportional rates from Memphis to destination.

Exhibit No. 40 illustrates proportional application of domestic rates on grain and grain products from points on the C. C. C. & St. L. Ry. to New York City, to the Maine points named. This application does not require new table of proportional rates, the rates in the table of domestic rates being applied.

### EXHIBIT No. 40.

#### PROPORTIONAL RATES TO PORTLAND, MAINE.

The rates published on domestic shipments to New York City will also apply to Portland, Me., as **proportional rates only**, on other than bulk traffic, when same is consigned through via **all-rail routes** to points in the State of Maine, as follows:

Bar Harbor	Dennysville	Milltown	Sea St. Eastport
Brocklin	East Machias	Milltown Jct.	Sedgwick
Calais	Eastport	(Salmon Falls)	Sorrento
Castine	Hancock Point	Northeast Har.	Southwest Har.
Cherryfield	Isleboro	North Haven	Stonington
Columbia Falls	Machias	Sargentville	Sullivan
Deer Isle	Manset	Seal Harbor (B-20072, Inf. 2773-A.)	

#### § 6. Proportional Tariffs.

Exhibit No. 41 illustrates a tariff containing proportional rates only.

EXHIBIT No. 41.

ONLY TWO SUPPLEMENTS TO THIS TARIFF WILL BE IN EFFECT AT ANY TIME.

G. F. O. No. 851.

I. C. C. No. A-3759.

Cancels I C C No A-2473

# Atlantic Coast Line Railroad Co.

—IN CONNECTION WITH—

Transportation Lines Shown on Page 1

## PROPORTIONAL FREIGHT TARIFF

—ON—

### VEGETABLES, CARLOADS AND LESS THAN CARLOADS

Cantaloupes, Less Than Carloads, Released, also Mixed Carloads of Oranges,  
Lemons, Limes, Grape Fruit, Kumquats, Pineapples  
or Vegetables. (See Note 4)

In Cwts Per Standard Crate, or Per Hundred Pounds, as Provided Herein

—FROM—

### INTERIOR FLORIDA POINTS

Shown Herein

—TO—

### JACKSONVILLE, FLA., FLORIDA TRANSFER, FLA.

(When for points shown in Note 3.)

Governed, except as otherwise provided herein, by Southern Classification No. 41 (Agent W. R. Powe's  
I. C. C. No. 20), supplements thereto and reissues thereof.

Issued February 25, 1916.

Effective April 5, 1916.

Issued by

C. McD. DAVIS,

General Freight Agent,  
WILMINGTON, N. C.

Station Tariff File No. 31.

(1000)  
(J&B-5849)

Desk 1.  
R.O.-305.

## EXHIBIT No. 41—Continued.

## PROPORTIONAL RATES ON VEGETABLES.

PROPORTIONAL RATES ON VEGETABLES.															
Index No.	TO		Vegetables, N.O.S. In Cents Per Standard Crate.				Index No.	TO		Vegetables, N.O.S. In Cents Per Standard Crate.					
	JACKSONVILLE, FLA. FLORIDA TRANSFER, FLA.	(For Points shown in Note 3).	Under Ventilation, Cartload Minimum 21,000 Pounds.		Under Refrigeration, Cartload Minimum 17,500 Pounds.			JACKSONVILLE, FLA. FLORIDA TRANSFER, FLA.	(For Points shown in Note 3).	Under Ventilation, Cartload Minimum 21,000 Pounds.		Under Refrigeration, Cartload Minimum 17,500 Pounds.			
			C.L.	L.C.L.	C.L.	C.L.				C.L.	L.C.L.	C.L.	C.L.		
	ATLANTIC COAST LINE STATIONS							ATLANTIC COAST LINE STATIONS.							
	Live Oak to Lakeland. (Continued).							Lake City Junction to Lake City (Continued).							
1	Archer..... Fla.						55	@Futch & Sheffield Siding..... Fla.	15	2	7	9	6		
2	@Rastus..... Fla.						56	@Tolens Still..... Fla.							
3	Raleigh..... Fla.						57	Columbia..... Fla.							
4	@Mixon..... Fla.	15	9	8	10	10	58	Bass..... Fla.							
5	@Del Rio..... Fla.						59	Sisters Welcome..... Fla.	6	6	7	9	8		
6	Williston..... Fla.						59	Lake City..... Fla.							
7	Tampa CrushRockCo. Fla.														
8	Montbrook..... Fla.														
9	Morrison..... Fla.	16	11	9	12	10									
10	Romeo..... Fla.							High Springs to Rochelle.							

## Note 3.

## APPLICATION OF TARIFF.

(Savannah File No. 5455.)

To make through rates to destinations shown in tariffs named below, add to the rates published therein from Jacksonville or Florida Transfer, Fla. (when from beyond), the proportional rates published in this tariff.

These proportional rates are to be used only in construction of rates to destinations to which rates are provided for from Jacksonville, Fla., or Florida Transfer, Fla., in R. H. Countiss' I. C. C. No. 956 (West-Bound Tariff, No. 6-F), M. P. Washburn's I. C. C. No. 144 (Louisiana Tariff No. 10), supplements thereto or reissues thereof.

As the title page indicates, the rates in this tariff apply from interior Florida points, to Jacksonville and Florida Transfer, Fla., on shipments destined to certain specified territory. Therefore, the rates may not be used on local shipments to Jacksonville or Florida Transfer, or points other than those specified in Note 3.

## § 7. Combination Through Rates in Joint Tariffs.

Through rates are sometimes published which are merely the combination of rates to and from a certain



junction point. This feature is illustrated in Exhibit No. 42. The through commodity rate of \$2.30 per net ton, from Ceylon, Ohio, to Rochester, N. Y., is composed of the rate from Ceylon, Ohio, to Buffalo, N. Y., \$1.30, and from Buffalo, N. Y., to Rochester, N. Y., \$1.00. In such a combination rate the divisions allow each carrier its own rate to and from the junction point.

## EXHIBIT No. 42.

## COMBINATION RATES.

The through rates published herein are based on the local rates to and from junction points, as indicated, and will divide as made.

Item No.	COMMODITIES, In Carloads	From	To	Rates In Cents per ton of 2,000 Pounds.			Junction Point.
				Through	Basis for Rates		
					To Junction Point.	From Junction Point.	
132-A Cancels 132	Sand, Building, Filling, Glass and Moulding. Minimum weight, west of junction point, 50,000 pounds, unless marked capacity of car is less, in which event, the minimum carload weight will be the marked ca- pacity of the car, but in no case less than 40,000 pounds. Minimum weight, east of junction point, as per Of- ficial Classifica- tion, as defined on title page of tariff.	Ceylon, Ohio Huron, Ohio Sandusky, Ohio	Rochester, N. Y.	230	130	100	Buffalo, N. Y.

Rates such as illustrated by Exhibit No. 42 are usually the result of a through class rate exceeding the sum of a combination of intermediate commodity rates. Such combination rates may be published on one day's notice if the rate so reduced has been in effect 30 days or longer,



and providing reference is given to the I. C. C. numbers of the tariffs that contain the factors which make up the new rate.

### § 8. Export Rates in Joint Tariffs.

The inland portion of an export rate is a proportional rate restricted to export traffic only, where such proportional rate is less than the domestic rate from the inland point to the port of transshipment. The through rate to a foreign country is made by adding the steamship rate to the inland proportional rate of the rail carrier. The arrangement of indices of points, commodities, rules, etc., and of the tables of export rates, is in entire conformity with the specifications heretofore referred to. Exhibit No. 43 illustrates commodity export rates from points in Illinois to eastern seaboard points on agricultural implements, etc.

### EXHIBIT No. 43.

#### EXPORT RATES—Continued.

If the rates and minimum weights shown in Sections 1 or 3 make a lower charge than the rates and minimum weights in Section 2 of this tariff, the rates and minimum weights in Sections 1 or 3 will be applied.

Item No.	COMMODITIES, CARLOADS Minimum weight as per Official Classification. (See Item 40.) (Except as otherwise shown in Individual Items.)	FROM Points in Groups shown below.	TO			
			Boston, Mass.	New Yerk. N. Y.	Phila- delphia, Pa.	Balti- more, Md.
			Rates in Cents per 100 lbs., except as otherwise noted.			
510	Agricultural Implements, Cream Separators, Dump Carts, Farm Carts, Farm Wagons, Gasoline Engines, Traction Engines, Scales (Wagon and Stock), steel frame, pitless (castings, boxed, beams packed or crated, scales completely K. D.), Windmills, and parts thereof and Binder Twine, straight or mixed, C. L. minimum weight 30,000 lbs. Rule 5-C, Official Classification not to apply..... (See Note 1, page 32.)	Group 100..	28	28	26	25
		Group 110..	31	31	29	28
		Group 112..	31.5	31.5	29.5	28.5
		Group 117..	33	33	31	30

Exhibit No. 44 illustrates an arrangement whereby the basis of the inland portion of the rate is fixed by reference to a fixed rate basis. The rates are alternately arranged. Thus, if traffic under this tariff is billed to Boston and there reshipped to a foreign country, the rate basis given is "New York Current Export Rates." This means that the export rate applicable to New York may be applied to Boston from the inland point. The general basis of export rates is fixed when traffic is forwarded to Maine points named east of Portland, Me., by vessel, which is the combination of the inland and ocean rates.

If the traffic arrives at seaboard at domestic rates, and application of export rates is thereafter made, the difference between the domestic and export charges may be repaid by the terminal line to the consignee, upon compliance with the conditions named in "Application of Export Rates on Shipments Waybilled at Domestic Rates," in Exhibit No. 44.

#### EXHIBIT No. 44.

##### APPLICATION OF EXPORT RATES ON SHIPMENTS WAY-BILLED AT DOMESTIC RATES.

In cases where traffic is waybilled at full domestic rates and under the rules provided in Item No. 31, is entitled to lower rates on account of being forwarded to foreign countries (see Item No. 8), points on the Coast of Maine east of Portland, Me. (see Item No. 19), Newfoundland, Prince Edward Island, or to seaboard points in New Brunswick and Nova Scotia, named in Items Nos. 20 and 21, the amount of such reduction (i. e., the difference between the domestic rate to the port of reshipment and the lower rate that can be applied based on above), will be paid to the consignee by the terminal road upon presentation of the original paid freight bill, and the proper evidence showing the traffic has been so forwarded as to be entitled to the rates provided in Item No. 31. (2773-A.)

## EXHIBIT No. 44—Continued.

## ITEM No. 19.

LIST OF STATIONS ON THE COAST OF MAINE, EAST OF  
PORTLAND, MAINE, TO WHICH BASIS FOR RATES  
NAMED IN ITEM No. 31 WILL APPLY WHEN  
FORWARDED THERETO VIA VESSEL.

Addison- point .....Me.	Cherryfield, Me.	Friendship, Me.	Muscongus Bay .....Me.	South Thom- aston .....Me.
Augusta .....Me.	City Point...Me.	Gardiner ....Me.	New Castle..Me.	Southwest Harbor ....Me.
Bangor .....Me.	Columbia ....Me.	Gouldsboro, Me.	New Harbor..Me.	Stonington, Me.

## ITEM No. 31.

## BASIS FOR RATES ON EXPORT TRAFFIC.

The through rates from points shown herein to Foreign Countries (see Item No. 8), to points on the Coast of Maine east of Portland (see Item No. 19), to Newfoundland, to Prince Edward Island and to Seaboard points in New Brunswick and Nova Scotia, as named in Items Nos. 20 and 21, when traffic is forwarded thereto via vessel from the following ports of export, will be determined by adding to the inland rates the actual ocean rates from time to time obtainable, and not otherwise.

The inland rates charged on such traffic will be those published on Domestic Shipments from points of origin to the ports from which the traffic is exported via vessel, except as otherwise provided below. (2773-A.)

Reshipping Point	When for Export via Vessel (Except as Otherwise Provided), as Follows:	Rate Basis
Baltimore .....Md. New York .....N. Y. Philadelphia .....Pa. (2773-A.)	<p>[To Foreign Countries (see Item No. 8), including Insular possessions of the United States and Canal Zone of Panama, also West Indies Islands, except (see next below).....]</p> <p>[To points on the Coast of Maine east of Portland, as named in Item No. 19, also to Newfoundland, Prince Edward Island and seaboard points in New Brunswick and Nova Scotia as named in Items Nos. 20 and 21.....]</p>	<p>Current Export Rates.</p> <p>Full Domestic Rates.</p>
Boston .....Mass. East Boston .....Mass. Portland (See Item No. 13) .....Me. (2773-A.)	<p>[To Foreign Countries (see Item No. 8), including Insular possessions of the United States and Canal Zone of Panama, also West Indies Islands, except (see next below).....]</p> <p>[To points on the Coast of Maine east of Portland, as named in Item No. 19, also to Newfoundland, Prince Edward Island, seaboard points in New Brunswick and Nova Scotia as named in Items Nos. 20 and 21.....]</p>	<p>New York Current Export Rates.</p> <p>New York Domestic Rates.</p>

**§ 9. "Rate Basis" Points in Joint Tariffs or Basing Books.**

Exhibit No. 29, pages 182 and 183, illustrates method used in publishing rates to certain specified basing points with reference to I. C. C. number of tariffs or basing books containing list of points taking same rates or arbitraries higher. In the latter case such basing book will show the arbitrary in cents per 100 pounds or other unit, to be added to the base point rate. Such arbitrary may represent the arbitrarily demanded division of a rate, or a sum in addition to an agreed division. Such demands may be made by an originating line, or terminal, or bridge company. For further illustration of billing and basing books, see "Agency Tariffs," page 182.

**§ 10. Agency Tariffs or Schedules.**

The reading and interpretation of agency tariffs present no difficulties, insofar as constructional features are concerned. The difficulty encountered is in the determination of the application of the agency tariff over local and joint tariffs or carriers between the points embraced in the agency tariff. This, however, is determinable entirely by the power of attorney, under which the agency acts for his principals and concurrences of the lines which participate in his tariff. As the supremacy of the agency tariff is wholly a rate matter, the interpretation and application of the tariff will alone be considered at this point.

**§ 11. Classifications Published and Filed by Agent.**

A carrier may either grant to a joint agent authority to publish and file for it classification and supplements thereto, and exceptions thereof, or publish such exceptions in its own issues, either as parts of tariffs or in a publication bearing its own I. C. C. number; or the carrier may publish the classification itself as its individual issue, and so file it with the Commission.

The joint agent, in issuing such classification, supplements, and exceptions, is bound by the same requirements as to notice of filing which govern carriers in the filing of their tariffs. The agent issues the classification under his own I. C. C. numbers, showing list of carriers for whom he acts as agent, giving FX1 number of the authority of each carrier. He files such classification on behalf of all the carriers which have so authorized him, together with the supplements and exceptions thereto. The carrier principals of such agent do not file the classification of supplements, but each may reserve the right to file exceptions thereto as individual tariff issues.

(1) **Official Classification.** The constructional arrangement of each of the three general classifications, Official, Western and Southern, is practically the same. The interpretation of each is identical in their similar features. It will not be necessary to largely illustrate these schedules of classification.

#### CONSTRUCTIONAL ARRANGEMENT OF OFFICIAL CLASSIFICATION SCHEDULE.

	Authority I. C. C. Rule No.
TITLE-PAGE (Illustrated).	
1. List of Carriers for whom Chairman Collyer issues and files Official Classification with I. C. C.....	16-a, 17-c, 9
2. Index to Rules.....	4
3. Index to Articles.....	4
4. Rules and Special Instructions.....	4
5. Classification .....	16

Title-page contains rules required by I. C. C. Rule No. 7-e, that whenever commodity rate is established it removes



## EXHIBIT No. 45.

ONLY THREE SUPPLEMENTS  
TO THIS CLASSIFICATION WILL  
BE IN EFFECT AT ANY TIME.

**M. R. C.—O. C. No. 38.**

Cancels M. R. C.—O. C. No. 37.

**P. S. C.—Md.—O. C. No. 38.**

Cancels P. S. C.—Md.—O. C. No. 37.

**P. S. C.—1 N. Y.—O. C. No. 38.**

Cancels P. S. C.—1 N. Y.—O. C. No. 37.

**P. S. C.—2 N. Y.—O. C. No. 38.**

Cancels P. S. C.—2 N. Y.—O. C. No. 37.

**R. C. O.—O. C. No. 38.**

Cancels R. C. O.—O. C. No. 37.

**I. R. C.—O. C. No. 38.**

Cancels I. R. C.—O. C. No. 37.

**I. C. C.—O. C. No. 38.**

Cancels I. C. C.—O. C. No. 37 and  
Supplements thereto.

**C. R. C.—O. C. No. 38.**

Cancels C. R. C.—O. C. No. 37.

# OFFICIAL CLASSIFICATION

## No. 38

(CANCELS OFFICIAL CLASSIFICATION No. 37 AND SUPPLEMENTS THERETO.)

Applies on Freight Traffic covered by tariffs issued subject thereto.

Whenever a carload (or a less-than-carload) commodity rate is established, it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be), except when [and in so far as alternative use of class and commodity rates is specifically provided for by including in different sections of one and the same tariff such class and commodity rates, and by including in each section of such tariff the specific rule, "If the rates in section — of this tariff make a lower charge on any shipment than the rates in section — of this tariff the rates in section — will be applied." (See Rule 7(e), Tariff Circular No. 18-A, Interstate Commerce Commission.)

Application hereof is subject to individual and joint exception schedules established by parties thereto. (See Rule 13, Circular No. 65, State of New York Public Service Commission, Second District.)

**ISSUED JANUARY 15, 1912.**

**EFFECTIVE MARCH 1, 1912.**

Except as Noted in Individual Items.

Issued and filed with the Interstate Commerce Commission; Board of Railway Commissioners for Canada; Public Service Commission, State of New York, First and Second Districts; Railroad Commission of Indiana; Michigan Railroad Commission; Railroad Commission of Ohio; and Public Service Commission, State of Maryland, by F. S. Holbrook, Agent, for the Individual Carriers shown herein, and for all Carriers coming under the supervision of the Railroad Commission of Ohio.

## THE OFFICIAL CLASSIFICATION COMMITTEE.

O. F. LOVENBERG, Secretary,

R. N. COLLYER, Chairman.

OFFICE, 143 LIBERTY STREET, NEW YORK.

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the application of the class rates to or from the same points to which the commodity rate applies, unless alternative use of class and commodity rates is specifically provided for in different sections of the tariff naming both the class and commodity rates.

### EXHIBIT No. 46.

This classification is filed with the Interstate Commerce Commission by me, as agent for the following carriers, under powers of attorney as indicated below:

Aberdeen & Asheboro R. R.....FX1—No. 8	† Brandon, Saskatchewan & Hudson's Bay R'y.....FX1—No. 19
Adirondack & St. Lawrence R. R..FX1—No. 3	§ Bridgton & Saco River R. R....FX1—No. 19
Ahnapee & Western R'y.....FX1—No. 9	

### INDEX TO RULES.

	Page	Rule		Page	Rule
Acids, Transportation of (American R'y Ass'n Regulations).....	21	30	Carload Shipments—		
Addressing of Packages.....	12	3	Combined and distributed by Forwarding and Delivering Agents	13	5 B
Allowance for Racks, Standards, etc., on flat			L. C. L. rates to apply when no C. L. rating is provided.....	15	13

### INDEX TO ARTICLES.

Articles are specified in this index under their "noun" denomination, and where "nouns" are not deemed sufficiently distinctive, under their "adjective" also.

A	Page	Item		Page	Item		Page	Item
Acid, Acetic .....	33	4	Alcohol			Ammonia, Aqua .....	40	15
" Boracic .....	33	5	Burners (for			" Bromide of..	40	16
" Carbolic .....	33	6	Vapor Bath			" Murate of..	40	17
" Carbonic .....	33	7	Cabinets) ..	55	5	" Nitrate of..	40	18
" Formic .....	33	8	" Stoves .....	132	26	" Sulphate of..	40	19
" Hydrofluoric .....	33	9	Alcohol, Denatured....	39	18	" N. O. S., dry	40	20
" Lactic .....	33	10	" Wood .....	39	19			
			" N. O. S.....	142	2			

Property shipped under common carrier's liability and not subject to all the terms and conditions of the Uniform Bill of Lading will be carried under the terms set forth in Rule 1 of this classification.

### RULES AND SPECIAL INSTRUCTIONS.

Unless otherwise provided when property is transported subject to the provisions of the official classification, the acceptance and use are required, respectively, of the "Uniform Bill of Lading," "Straight" or "Order" (pages 22 and 24), "Export Bill of Lading" (page 26), "Uniform Live Stock Contract" (page 29), "Contract with man or men in

## EXHIBIT No. 46—Continued.

charge of Live Stock" (for use when payment of fare is not required) (page 31), "Contract with man or men in charge of Live Stock" (for use when payment of fare is required) (page 31), "Contract with man or men in charge of property other than Live Stock" (for use when payment of fare is not required) (page 32), and "Contract with man or men in charge of property other than Live Stock" (for use when payment of fare is required) (page 32).

\* Denotes Additions.  
† Denotes Changes.  
⊠ Denotes Reductions.  
⊡ Denotes Increases.

Articles classified subject or not subject to Uniform Bill of Lading Conditions.

[A]. In order that the consignor may have the option of shipping property, either subject to the terms and conditions of the Uniform Bill of Lading hereinafter set forth or under the liability imposed upon common carriers by the common law and the federal and state statutes applicable thereto, this Official Classification provides for different rates and for different forms of Bills of Lading to be used, respectively, as the consignor may elect to have a limited liability or a common carrier's liability service.

[B]. Unless otherwise provided in this Classification, property will be carried at the reduced rate specified if shipped subject to all the terms and conditions of the Uniform Bill of Lading (see pages 22 and 24). If consignor elects not to accept all the terms and conditions of the Uniform Bill of Lading, he should so notify the agent of the forwarding carrier at the time his property is offered for shipment. If he does not give such notice, it will be understood that he desires his property carried subject to the terms and conditions of the Uniform Bill of Lading in order to secure the reduced rate.

[C]. Property carried not subject to all the terms and conditions of the Uniform Bill of Lading will be at the carrier's liability, limited only as provided by common law and by the laws of the United States and of the several states in so far as they apply, but subject to the terms and conditions of the Uniform Bill of Lading in so far as they are not inconsistent with such common carrier's liability, and the rate charged therefor will be ten per cent. (10%) higher (subject to a minimum increase of one (1) cent per one hundred pounds) than the rate charged for property shipped subject to all the terms and conditions of the Uniform Bill of Lading (see Note).

[D]. When the consignor gives notice to the agent of the forwarding carrier that he elects not to accept all the terms and conditions of the Uniform Bill of Lading, but desires a carrier's liability service at the higher rate charged for that service, the carrier must print, write or stamp upon the Bill of Lading a clause reading: "In consideration of the higher rate charged, the property herein described will be carried at the carrier's liability, limited only as provided by law, but subject to the terms and conditions of the Uniform Bill of Lading in so far as they are not inconsistent with such common carrier's liability."

[E]. The cost of insurance against marine risk will not be assumed by carriers unless specifically provided for in tariffs.

NOTE.—In computing the rate to be charged upon property shipped not subject to the terms and conditions of the Uniform Bill of Lading, ten (10) per cent. of the reduced rate shall be added thereto (subject to a minimum increase of one (1) cent per one hundred pounds). If the result includes a fraction of one cent, it shall be expressed decimally in tenths of one cent; for example, if the reduced rate is twenty-one (21) cents per one hundred pounds the rate to be charged when shipped not subject to the terms and conditions of the Uniform Bill of Lading will be twenty-three and one-tenth (23.1) cents per one hundred pounds; if the reduced rate be sixteen and one-half (16½) cents per one hundred pounds, the higher rate will be eighteen and one-tenth (18.1) cents per one hundred pounds; if the reduced rate is ten (10) cents per one hundred pounds, the higher rate will be eleven (11) cents per one hundred pounds; if the reduced rate is four (4) cents per one hundred pounds, the increase will be the minimum increase of one cent per one hundred pounds, and the higher rate to be charged will be five (5) cents per one hundred pounds.

Insurance  
against  
Marine  
Risk.

Property shipped under common carrier's liability and not subject to all the terms and conditions of the Uniform Bill of Lading will be carried under the terms set forth in Rule 1 of this classification.

## EXHIBIT No. 46—Continued.

Description of Articles.	2 [A]. Contents of all packages, as near as practicable, must be stated in shipping receipt. When an article is differently classified when differently prepared or packed, the actual character must be specified, otherwise it will be charged at the highest class named on each article. No shipment will be accepted when designated on the shipping receipt as Merchandise (or "Mdse.") Sundries, Fancy Goods, or P. H. P. (Packing House Products).
Fibreboard, pulpboard or strawboard boxes.	2 [B]. Section 1. Unless otherwise provided, ratings on articles "Boxed" or "In Boxes or Cases" will apply on the same articles in Fibreboard, Pulpboard or Double-Faced Corrugated Strawboard Boxes, with or without wooden frames, provided the following requirements and specifications are fully complied with; if the following requirements and specifications are not fully complied with, the freight rate shall be increased 20% with a minimum increase of 2 cents per 100 lbs., subject to the right which carriers reserve to decline shipments in insecure packages (see Note).
Specification for three-ply or more fibreboard or pulpboard boxes without frames.	NOTE.—In computing the rate to be charged under this Rule, fractions of one-half cent or less shall be dropped, and those of more than one-half cent shall be considered as one cent; for example: if the class rate applicable upon the property in boxes or cases is 82 cents per 100 lbs., the rate to be charged when shipped in the packages described will be 98 cents per 100 lbs., the fraction being dropped; if the class rate is 38 cents per 100 lbs., the higher rate to be charged will be 46 cents per 100 lbs.; if the class rate is 4 cents per 100 lbs., the increase would be eight-tenths of one cent, and the minimum increase being 2 cents per 100 lbs., the higher rate to be charged will be 6 cents per 100 lbs.
Weight limit 40 lbs.	Section 2. (a). Fibreboard or Pulpboard used in making Fibreboard or Pulpboard Boxes, without frames, must be three-ply or more, all plies firmly glued together, the outer ply waterproofed and no single ply less than .016 of an inch in thickness; and
	(b). When the combined board is not less than .060 of an inch in thickness, having a resistance of not less than 175 lbs. to the square inch, Mullen Test, and the outside dimensions of the box, length, width and depth added, do not exceed 60 inches, the gross weight of the box and its contents shall not exceed 40 lbs., see Sections 6, 7, 8, 9, 11 and 12 of this Rule; or
Weight limit 65 lbs.	(c). When the combined board is not less than .080 of an inch in thickness, having a resistance of not less than 200 lbs. to the square inch, Mullen Test, and the outside dimensions of the box, length, width and depth added, do not exceed 65 inches, the gross weight of the box and its contents shall not exceed 65 lbs., see Sections 6, 7, 8, 9, 11 and 12 of this Rule; or
Weight limit 90 lbs.	(d). When the combined board is not less than .100 of an inch in thickness, having a resistance of not less than 275 lbs. to the square inch, Mullen Test, and the outside dimensions of the box, length, width and depth added, do not exceed 70 inches, the gross weight of the box and its contents shall not exceed 90 lbs., see Sections 6, 7, 8, 9, 11 and 12 of this Rule.
Specifications for double-faced corrugated strawboard boxes without frames.	Section 3. (a). Double-Faced Corrugated Strawboard used in making Double-Faced Corrugated Strawboard Boxes, without frames, must be made of corrugated strawboard with outer and inner facings of fibreboard or pulpboard, both facings having proper bending qualities, firmly glued to the corrugated sheet and the outer facing waterproofed; and
Weight limit 40 lbs.	(b). When the outer facing is not less than .016 of an inch in thickness, having a resistance of not less than 85 lbs. to the square inch, Mullen Test, and the inner facing is not less than .016 of an inch in thickness, having a resistance of not less than 65 lbs. to the square

Property shipped under common carrier's liability and not subject to all the terms and conditions of the Uniform Bill of Lading will be carried under the terms set forth in Rule 1 of this classification.

## CLASSIFICATION.

Explanation of Characters.—The class is given opposite each article. 1, 2, R. 25, 3, R. 26, R. 28, 4, 5 and 6, stands for First, Second, Rule 25, Third, Rule 26, Rule 28, Fourth, Fifth and Sixth Classes, respectively. 1¼ for Once and a Quarter First Class. 1½ for Once and a Half First Class. D 1 for Double First Class. 2½ for Twice and a Half

## EXHIBIT No. 46—Continued.

First Class. 3 t 1 for Three Times First Class. 4 t 1 for Four Times First Class (being the progression of classes above First Class). C. L. for Carload. L. C. L. for Less than Carload. S. U. for Set Up. K. D. for Knocked Down. P. P. for Prepaid. N. O. S. for Not Otherwise Specified. The term "Nested" refers to a series of similar articles nested, or enclosed one within the other.

Articles not Enumerated will be classed with Analogous Articles (see Rule 23).

Examine this Classification Carefully.

There are Important Changes.

★ Denotes Additions.

† Denotes Changes.

Δ Denotes Reductions.

☒ Denotes Increases.

A	Subject to Uniform Bill of Lading Conditions.		A	Subject to Uniform Bill of Lading Conditions.	
	L. C. L.	C. L.		L. C. L.	C. L.
1 Academy or Artists' Board, in cases (C. L., min. weight 36,000 lbs.).....	2	5	ACIDS—Continued.		
2 Acetone, in iron drums.....	3	5	9 Hydrofluoric (see Note 3):		
3† Alundum, Carborundum, Corundum, Emery, Flint or Sand Paper or Paper coated with similar abrasive mate- rial:			In India-rubber or cere- sine (wax) bottles (her- metically sealed), packed	1	.....
In boxes, bundles, crates or rolls .....	3	.....	In lead carboys, packed	1	3
In packages named, straight or mixed C. L., min. wt. 36,000 lbs. ....	.....	5	In cases, bbls. or casks		
4 Acetate, Amyl, Ethyl or Methyl:			In wood bbls., asphaltum lined (C. L., min. wt. 36,000 lbs.).....	3	5
In glass or earthenware, packed in barrels or boxes..	1	.....	In asphaltum lined tank cars (see Note 1).....	.....	5
In metal cans in barrels or boxes .....	2	.....	Note 3. — Hydrofluoric Acid, in other than India- rubber or ceresine (wax) bottles (hermetically sealed), or lead carboys, packed in cases, bbls. or casks, or in asphaltum lined wood bbls. or as- phaltum lined tank cars, not taken.		
In bulk in barrels.....	3	.....	13 ALBUMEN—		
In metal cans in barrels or boxes, or in bulk in bar- rels, straight or mixed C. L., min. wt. 30,000 lbs....	.....	5	14 Blood, in bags, bbls. or drums .....	2	4
5 Acetate Liquor, Crude:			15 N. O. S., in boxes or bbls.	2	.....
In barrels .....	3	.....	16 Albums, Photograph, boxed..	1	.....
In barrels, C. L., min. wt. 30,000 lbs. ....	.....	5	17 ALCOHOL—		
In tank cars.....	.....	5	18 Denatured:		
6 Acetone:			In glass, packed.....	1	5
In glass or earthenware, packed in barrels or boxes..	1	.....	In cans, jacketed.....	1	5
In metal cans in barrels or boxes .....	2	.....	In cans, packed in wood	2	5
In iron or steel barrels.....	3	.....	In iron drums or bbls., or in wood.....	3	5
In iron or steel barrels, C. L., min. wt. 30,000 lbs....	.....	5	In tank cars.....	.....	5
			19 Wood:		
			In glass, packed.....	1	5
			In cans, boxed.....	2	5
			In iron drums or in wood	3	5
			In tank cars.....	.....	5



Example No. 1. In using the Index to Rules it will be noted that the reference is by both page and rule number. Each appear by reference to page 1 of the rules in Exhibit No. 46. These rules are important, in many cases affecting the aggregate charges for transportation.

Example No. 2. To ascertain L. C. L. and C. L. ratings of Hydrofluoric Acid, in lead carboys, in cases, barrels or casks, refer to "Index of Articles," under "Acid, Hydrofluoric, page 33, item 9." Turn, then, to page 33, item 9 of Classification, and there the ratings will be found, L. C. L. first class, and C. L. third class.

The column arrangement for showing ratings in the Official are as follows: Two vertical columns, with top cross panel reading, "Subject to Uniform Bill of Lading Conditions." The L. C. L. ratings are shown in the first column, and the C. L. ratings in the second column. Car-load minimum weights and special conditions governing the rating of a particular article are embraced in the descriptive text, either as numbered notes or parenthetically included in the description.

(2) **Western Classification.** The Western Classification arrangement of indices to rules and property, list of carriers, etc., is identical with the Official Classification. The Western contains a table of contents which the Official does not.

Example No. 1. Location of desired rule or article is accomplished by page and item number indices, the same as in the Official Classification.

To ascertain L. C. L. and C. L. ratings on "Abrasive Cloth," refer to index to articles, where page and item are shown as page 91 and Item 1. Turn to page 91, and at Items 1-4 will be found ratings of L. C. L. third class, and C. L. fifth class. The arrangement of columns for showing ratings differs in the Western from that in the Official

## EXHIBIT No. 47.

ONLY THREE SUPPLEMENTS  
TO THIS CLASSIFICATION WILL  
BE IN EFFECT AT ANY TIME.

C. R. C. No. 9  
(Cancels C. R. C. No. 8  
and Supplements)

I. C. C. No. 11  
(Cancels I. C. C. No. 10  
and Supplements)

P. S. C. Mo. No. 2 (Cancels P. S. C. Mo. No. 1 and Supplements)

# THE WESTERN CLASSIFICATION

## No. 53

(CANCELS THE WESTERN CLASSIFICATION No. 52 AND SUPPLEMENTS)

Applying on Freight Traffic covered by Tariffs issued subject thereto.

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Issued December 31, 1914

Effective February 20, 1915

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Issued and filed with the Interstate Commerce Commission by R. C. Fyfe,  
as Agent for the Individual Carriers shown herein.

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Issued and filed with the Board of Railway Commissioners for Canada by  
R. C. Fyfe, as Agent for the Individual Carriers shown herein.

---

Issued and filed with the Public Service Commission of Missouri by R. C. Fyfe,  
as Agent for Missouri lines.

---

## THE WESTERN CLASSIFICATION COMMITTEE

TRANSPORTATION BUILDING  
CHICAGO

R. C. FYFE, Chairman

Copyright, 1915, by R. C. Fyfe, Chairman



## EXHIBIT No. 47—Continued.

## CONSTRUCTIONAL ARRANGEMENT OF WESTERN CLASSIFICATION SCHEDULE.

Authority  
of I. C. C.  
Rules No.

1. Title-page ..... 3, 7-e
2. List of carriers for whom Chairman Fyfe issues and files Western Classification with I. C. C.....16-a, 17-c
3. Table of Contents..... 4-a
4. Index to Rules..... 4
5. Index to Articles..... 4
6. Rules and Conditions of Western Classification 4
7. Classification—explanation of characters..... 16

## EXHIBIT No. 48.

## INDEX TO ARTICLES.

"N. O. I. B. N." stands for "Not otherwise indexed by name."

Page Item		Page Item		Page Item	
<b>A</b>		Adjusters, Oil Well..255	11	Air Jigs, Machinery	226 3
Absalone Shells.....236	33	Advertising Boards..298	3	Air Pumps.....281	24
Abrasive Cloth..... 91	1,4	" Exhibits, Framed .....261	41	Air Pumps, Tire.....227	23
Abrasive Paper..... 91	1,4	" Figures, Papier Mache .....175	2	Air Receiver Tanks.....227	6
Abrasive Stubs, Wheel .....106	16	" Figures, Papier Mache and metal .....175	2	Air Ship Frames.....179	14
Absorbent Cotton.....156	10	" Figures, Papier Mache and wood .....175	2	Air Tanks, Machinery .....227	6
Absorbers, Shock.....329	32	" Frames ..... 93	15	Air Washers.....226	1
Accumulators (Mining Machinery).....234	10	" Matter, Printed 93 11,14		Ajowan Seed.....295	5
Acetate, Amyl..... 91	5	" Matter, paper.. 93 13,14		Alabaster Sculpture or Statuary .....294	7
" Chromium .....145	8	" Matter, with goods adver- tised ..... 93	14	Alarm Boxes, Fire..175	41
" Ethyl ..... 91	5	" Racks ..... 93	16	Alarms, Burglar, Automatic .....165	10
" Methyl ..... 91	5	" Wagons .....325	22	Albumen, Blood.....259	34
Acetate Liquor..... 91	6			Albumen, Egg.....104	18
Adhesive Paste N. O. I. B. N.....267	6			Albums, Photograph.104	19
Adjuster Boards, Oil Well .....255	12			Albums, Picture.....104	19
				Alcohol, Denatured..219	19

## EXHIBIT No. 48—Continued.

## Western Classification No. 53.

## THE WESTERN CLASSIFICATION.

## Explanation of Characters.

The figures, given after articles, signify:

- 1—First Class.
- 2—Second Class.
- 3—Third Class.
- 4—Fourth Class.
- 5—Fifth Class.
- 1½—One and One-half Times First Class.
- D1—Double First Class.
- 2½tl—Two and One-half Times First Class.
- 3tl—Three Times First Class.
- 3½tl—Three and One-half Times First Class.

4tl—Four Times First Class.

(Progression of Classes above First Class is by One-half Classes.)

Classes A, B, C, D, and E refer to Table of Rates.

C. L.—Car Load.

K. D.—Knocked Down.

L. C. L.—Less than Car Load.

Min. wt.—Minimum weight.

S. U.—Set Up.

△ Denotes reductions.

◆ Denotes advances.

The figures on left side of column are for convenience in referring to ratings.

## L.C.L. C.L.

## 1 ABRASIVE CLOTH OR PAPER:

2 Alundum, Carborundum, Corundum or Emery Cloth or Cloth coated with similar abrasive material:

In boxes, bundles, crates or rolls, L. C. L. .... 3

In packages named, straight or mixed C. L., min. wt. 36,000 lbs. .... 5

3 Alundum, Carborundum, Corundum, Emery, Flint or Sand Paper or Paper Coated with similar abrasive material:

In boxes, bundles, crates or rolls, L. C. L. .... 3

In packages named, straight or mixed C. L., min. wt. 36,000 lbs. .... 5

4 Alundum, Carborundum, Corundum or Emery Cloth or Cloth coated with similar abrasive material, and Alundum, Carborundum, Corundum, Emery, Flint or Sand Paper or Paper coated with similar abrasive material, in packages specified for L. C. L. shipments, mixed C. L., min. wt. 36,000 lbs. .... 5

5 Acetate, Amyl, Ethyl or Methyl:

In glass or earthenware, packed in barrels or boxes. .... 1

In metal cans in barrels or boxes, L. C. L. .... 2

In bulk in barrels, L. C. L. .... 3

In metal cans in barrels or boxes, or in bulk in barrels, straight or mixed C. L., min. wt. 30,000 lbs. .... 5

6 Acetate Liquor, crude:

In barrels, L. C. L. .... 4

In barrels, C. L., min. wt. 30,000 lbs. .... E

In tank cars, C. L., weight per gallon 8.44 lbs., subject to Rule 32 .... E

7 Acetone:

## L.C.L. C.L.

In glass or earthenware, packed in barrels or boxes. .... 1

In metal cans in barrels or boxes. .... 2

In iron or steel barrels, L. C. L. .... 3

In iron or steel barrels, C. L., min. wt. 30,000 lbs. .... 5

8 Acetylene Gas Cylinders, asbestos filled, not charged, new:

Loose or in crates, L. C. L. .... 3

◆ Loose or in crates, C. L., min. wt. 36,000 lbs. .... A

9 ACIDS:

10 Acetic, glacial or liquid:

In carboys, L. C. L. .... D1

In carboys, C. L., min. wt. 24,000 lbs., subject to Rule 6-B. .... 3

In glass or earthenware, packed in barrels or boxes, L. C. L. .... 1

In glass or earthenware, packed in barrels or boxes, C. L., min. wt. 30,000 lbs. .... 4

In bulk in barrels, L. C. L. .... 3

In bulk in barrels, C. L., min. wt. 30,000 lbs. .... 4

In tank cars, C. L., actual weight, subject to Rule 32. .... 4

11 Boracic:

In glass or earthenware, packed in barrels or boxes. .... 1

In fibre or metal cans or cartons in barrels or boxes, L. C. L. .... 2

In bags, L. C. L. .... 2

In bulk in barrels or boxes, L. C. L. .... 2

In fibre or metal cans or cartons in barrels or boxes, in bags, or in bulk in barrels or boxes, C. L., min. wt. 36,000 lbs. .... 5

◆ Denotes advances.

△ Denotes reductions.

Classification. The Western has but one line column which is devoted to the designation of C. L. ratings, and sometimes includes carload minimum weights, unless such minima be included in the descriptive text.

(3) **Southern Classification.** The Southern Classification presents a more elaborate arrangement of its matter than either the Official or the Western. It is the only one of the general classifications which contains, in the same schedule, the exceptions to the classification issued and filed by the joint agent.

EXHIBIT No. 49.

# **SOUTHERN CLASSIFICATION**

## **No. 39**

**WITH EXCEPTIONS.**

**This Classification applies where Freight Tariffs specifically state that the rates contained therein are governed by the Southern Classification.**

---

**SUBJECT TO CHANGE ON LEGAL NOTICE.**

---

**ISSUED JULY 27, 1912.**

**EFFECTIVE AUGUST 1, 1912,**

Under Special Permission of the Interstate Commerce Commission No. 21831, of date July 27, 1912.

---

This Classification is compiled and published by me, as Agent of each of the individual lines shown in Southern Classification No. 39 (I. C. C. No. 17), Supplement No. 2, and herein, which lines have severally filed the required authorization with the Interstate Commerce Commission.

**W. R. FOWE, Agent**

Office of Chairman,  
**SOUTHERN CLASSIFICATION COMMITTEE,**  
914 Grant Building,  
ATLANTA, GA.

## EXHIBIT No. 49—Continued.

## CONSTRUCTIONAL ARRANGEMENT OF SOUTHERN CLASSIFICATION SCHEDULE.

	Authority of I. C. C. Rule No.
1. Title-page .....	3
2. Carriers' Individual Numbers.....	3-b
3. Individual Issues canceled by So. Class'n, No. 39 .....	3
4. List of Carriers for whom Agent Powe issues and files Southern Classification and Excep- tions with I. C. C. ....	16-a, 17-c
5. Table of Contents.....	4-a
6. Index to Rules.....	4
7. Index to Classification .....	4
8. General Rules (including commodity rate rule) .....	7-e
9. Classification of Articles, including explana- tions of abbreviations, characters and terms	16, 4-e
10. Exceptions to Southern Classification.....	16-a

## EXHIBIT No. 50.

## INDEX TO CLASSIFICATION.

A	Page Item		Page Item		Page Item
Abrasive Cloth or	24 1	Agitators, {L. C. L...	117 16	Alum .....	34 6
Paper .....		Clay ..... {C. L.....	117 24	" Paper Maker's	
Accessories, for Tank		Agitators, {L. C. L...	116 23	(Sulphate of Al-	
and Tower Erectors..	144 12	Cream or {C. L.....	116 29	umina) .....	36 6
Accoutrements, Milli-		Milk ..... {C. L.....		Alumina Salts.....	35 17
tary .....	24 4			Alumina (Oxide of	
Acetate Liquor.....	24 6			Alumina) .....	

## EXHIBIT No. 50—Continued.

Southern Classification No. 39.

## SOUTHERN CLASSIFICATION.

## Explanation of Abbreviations, Characters and Terms.

$\frac{1}{2}$ F stands for One-half of Class F.  
 1 stands for First-Class.  
 2 stands for Second-Class.  
 3 stands for Third-Class.  
 4 stands for Fourth-Class.  
 5 stands for Fifth-Class.  
 6 stands for Sixth-Class.  
 $1\frac{1}{2}$  stands for  $1\frac{1}{2}$  Times First-Class.  
 D1 stands for Double First-Class.  
 3T1 stands for Three Times First-Class.  
 4T1 stands for Four Times First-Class.  
 A, B, C, D, E, F and H, stands for Classes  
 A, B, C, D, E, F and H, respectively.  
 L. C. L. stands for Less than Car Load.  
 C. L. stands for Car Load.  
 Lbs. stands for Pounds.  
 Min. Wt. stands for Minimum Weight.

N. O. I. B. N. stands for Not Otherwise In-  
 dexed By Name in this Classification.  
 N. O. S. stands for Not Otherwise Specified in  
 this Classification.  
 S. U. stands for Set Up.  
 K. D. stands for Knocked Down.  
 \* Denotes Addition.  
 † Denotes Change.  
 ‡ Denotes Reduction.  
 ☒ Denotes Advance.  
 The term "same as" means that the classified  
 ratings for such articles are identical.  
 The term "same rates as" or "...rates" means  
 that such articles are rated by the classifica-  
 tion or if commodity rates are in effect, such  
 commodity rates will apply in lieu of the  
 classified ratings.  
 Other characters are explained on pages on  
 which they appear.

Item No.	A	Class (subject to Rule 1).	Item No.	A	Class (subject to Rule 1).
1	Abrasive Cloth or Paper:		10	ACIDS—Continued:	
2	†Alundum, Carborundum, Corundum or Emery Cloth, in boxes, bundles, crates or rolls....	2	11	†Acetic, glacial or liquid:—Continued. In carboys, C. L., min. wt. 24,000 lbs.....	4 △
3	†Alundum, Carborundum, Corundum, Emery, Filnt or Sand Paper, in boxes, bundles, crates or rolls.....	3		In glass or earthenware, packed in barrels ☒ or boxes, L. C. L. ....	1
4	Accoutrements, Military...	1		In glass or earthenware, packed in barrels or boxes △, C. L., min. wt. 30,000 lbs.....	5
5	*Acetate, Amyl, Ethyl or Methyl: In glass or earthenware, packed in barrels or boxes .....	1		In bulk in barrels, L. C. L. ....	3
	In metal cans in barrels or boxes.....	2		In bulk in barrels, C. L., min. wt. 30,000 lbs. ....	5
	In bulk in barrels.....	3		In tank cars, C. L., subject to Rule 32..	5
6	*Acetate Liquor, crude: In barrels, L. C. L.....	3	12	*Boracic: In glass or earthenware, packed in barrels or boxes.....	1 ☒
	In barrels, C. L., min. wt. 30,000 lbs.....	5		In fibre or metal cans or cartons in barrels or boxes, L. C. L. ....	1 ☒
	In tank cars, C. L., subject to Rule 32, Weight for computation S.44 lbs. per gallon, see Rule 32, Section 4.....	5		In bags, L. C. L.....	2
				In bulk in barrels or boxes, L. C. L.....	3 △
				In bags, or in fibre or metal cans or cartons in barrels or boxes, or in bulk in barrels or boxes, C. L., min. wt. 36,000 lbs. ....	5 △

The use of the index of articles to locate a desired rating is the same in the Southern Classification as in the Official and Western. It will be noted that the vertical column arrangement for showing ratings is different. Both the L. C. L. and C. L. ratings are shown in a single column, with necessary descriptive text to indicate each, and minimum weights to apply.

An example of the application of rules to designated ratings is illustrated under "Acetate Liquor, crude, in tank cars, subject to Rule 32; weight for computation 8.44 lbs. per gallon, see Rule 32, Section 4." By referring to General Rules, Rule No. 32, we find it to contain 6 sections all governing the transportation of liquid in tank cars. This rule covers, "No obligation to furnish tank cars," "Weight charged on full cars," "Weight charged on cars not full," "Weight for computation," "Weight Carrying Capacity not to be exceeded," and "Capacity of Dome not Included." It is apparent that a rule may have a material bearing upon the rating of an article.

**(1a) Exceptions to Southern Classification.** Exceptions issued by the joint agent are included in the classification proper and are made effective when individual lines authorize their use by specific reference to such exceptions. The use of the exceptions is the same as of the classification proper in the location of such exceptions.



## EXHIBIT No. 51.

## † THE FOLLOWING EXCEPTIONS

Which are designated by numbers, will apply only when freight tariffs authorize their use by specific reference to them, and take precedence over the ratings provided in the classification proper. Except where otherwise specifically provided in the exceptions to the classification (pages 184 to 346, inclusive), and supplements thereto, the carload minimum weight specified in the classification proper (pages 1 to 181, inclusive) and supplements thereto, will apply.

## EXPLANATION OF ABBREVIATIONS, CHARACTERS AND TERMS.

- |   |  |
|---|--|
| <p><math>\frac{1}{2}</math> of 4; <math>\frac{1}{2}</math> of 5; <math>\frac{1}{2}</math> of 6, etc.; stand for One-Half of Fourth, Fifth and Sixth Classes, etc.</p> <p><math>\frac{2}{3}</math> of 6 stands for Two-Thirds of Sixth Class.</p> <p><math>\frac{3}{4}</math> of A; <math>\frac{3}{4}</math> of P, etc.; stands for <math>\frac{3}{4}</math> of Classes A, P, etc.</p> <p>1 stands for First-Class.</p> <p>2 stands for Second-Class.</p> <p>3 stands for Third-Class.</p> <p>4 stands for Fourth-Class.</p> <p>5 stands for Fifth-Class.</p> <p>6 stands for Sixth-Class.</p> <p><math>1\frac{1}{2}</math> stands for <math>1\frac{1}{2}</math> Times First-Class.</p> <p>D1 stands for Double First-Class.</p> <p>3T1 stands for Three Times First-Class.</p> <p>4T1 stands for Four Times First-Class.</p> <p>A, B, C, D, E, etc., stand for Classes A, B, C, D, E, etc., respectively.</p> <p>L. C. L. stands for Less Than Carload.</p> <p>C. L. stands for Carload.</p> <p>C. R. stands for Carriers Risk.</p> | <p>N. O. S. stands for Not Otherwise Specified.</p> <p>D-O. stands for Double Class O.</p> <p>O. R. stands for Owners Risk.</p> <p>S. U. stands for Set Up.</p> <p>K. D. stands for Knocked Down.</p> <p>Bbbs. stands for Barrels.</p> <p>Bdls. stands for Bundles.</p> <p>Hhds. stands for Hogsheads.</p> <p>Min. wt. stands for Minimum Weight.</p> <p>Spec'l stands for Special or Special Rates.</p> <p>*Denotes Addition.</p> <p><math>\Delta</math>Denotes Reduction.</p> <p><math>\boxtimes</math>Denotes Advance.</p> <p>The term "same as" means that the classified ratings for such articles are identical.</p> <p>The term "same rates as" or "—— rates" means that such articles are rated by the classification, or if commodity rates are in effect, such commodity rates will apply in lieu of the classified ratings.</p> |
|---|--|

## EXHIBIT No. 51—Continued.

## EXCEPTIONS TO CLASSIFICATION.

## NOTE 1.

## Alabama and Mississippi R. R.

Rates named in current Tariffs, to points indicated by "Note 1" opposite, will be governed by following exceptions to the classification.

Articles	Class if Released
Cement, Lime and Plaster, straight or mixed C. L.....	N
Same, L. C. L., 75 per cent higher than Class N.	
Charcoal, C. L. ....	M
Cinders, C. L. ....	O
Clay, common and fire, straight or mixed, C. L., min. wt. 24,000 lbs. ....	O
Coke and Coal, C. L.....	O
Cóops, chicken, empty, returned.....	4
Corn, in the shuck or ear, 10 per cent less than Class D, but not to exceed commodity rates on corn.	
Cottonseed Meats (decorticated or hulled cottonseed), C. L., min. wt. 24,000 lbs.; 50 per cent higher than cottonseed car-load rates.	

Note 1.—Minimum Carload Weight. That portion of Rule 24 of Classification providing increased weight for cars over 36 feet in length will not apply on business between A. & M. R. R. stations.

## (4) Exceptions to Classification Issued by Joint Agent.

1a. Southwestern Lines Exceptions to Western Classification. Exceptions to the Western Classification are issued by Joint Agents, E. B. Boyd for Lines members of the Western Trunk Line Committee, F. A. Leland for Lines members of Southwestern Tariff Committee, and E. Morris and F. A. Leland, jointly, for Southwestern Lines. These exceptions issued on behalf of the Southwestern Lines apply between points in Southwestern Tariff

Committee Territory and between points in that territory and points in other territories. Thus:

"Southwestern Lines Classification Exceptions and Rules—Circular No. 1—F governs traffic originating at or destined to points in Louisiana, Texas and the Republic of Mexico, also Texarkana, Ark.-Tex., moving under tariffs specifically made subject thereto." (I. C. C. No. 1026.)

"Southwestern Lines Classification Exceptions and Rules—Circular No. 2—O governs traffic to or from points in Arkansas; to or from points in Louisiana; Oklahoma, Missouri, under tariffs specifically made subject thereto." (I. C. C. No. 844.) (This schedule is issued in sectional form.)

"Southwestern Lines Classification—Exceptions and Rules—Circular No. 3—J governs traffic to and from Oklahoma, moving under tariffs specifically made subject thereto." (I. C. C. No. 1065.)

The exceptions to Western Classification issued and filed by Agent Boyd are designated as "Circular No. 1-M" of Western Trunk Lines. See Exhibit No. 16, page 159, for title-page.

**EXHIBIT No. 52.**

Circular 1-M  
of

Western Trunk Lines

Rules, Regulations and Exceptions to Classifications

Issued by

E. B. Boyd

Agent.

(See Exhibit No. 16, page 159, for illustration of title-page of this circular)

Constructional arrangement of this circular and authority:

	Authority of I. C. C. Tariff Circ. No. 18-A. Rule No.
Title-page .....	3
Individual Carriers' Tariff Numbers.....	3b
Table of Contents.....	4a
List of Issuing Carriers.....	17c
Index of Commodities and Rulings.....	4c, 4h
Explanation of Abbreviations .....	4e
Rules and Regulation .....	4h

This circular contains various rules and regulations and lists of articles taking specific commodity rates as well as classification exceptions. The issue is compiled in sections. Each section carries its own application and indicates plainly whether the application is obtained by specific reference to the I. C. C. number of the circular, or by use of the so-called "General Rules Clause" (see Exhibit — for illustration of general rules clause). This publication carries an alphabetical index, referring to rule number as shown in exhibit:

## EXHIBIT No. 53.

## INDEX—Continued.

COMMODITIES.	COMMODITIES.	COMMODITIES.
Rule Nos.	Rule Nos.	Rule Nos.
Scales, Wagon and Stock, Steel Frame, Pitless.....	Shutters, Inside and Out- side. 520, 1120, 1960, 3170	Stucco, stopped in tran- sit ..... 1813
..... 50, 3815	Silo Material, as de- scribed in..... 660	Substitutes, Lard.....
Scions ..... 3030	Silo Stock, as described in...520, 1120, 1960, 3170	460, 540, 570, 1970, 1973
Scrap Iron, stopped in transit ..... 1910	Sinews ..... 380	Substitutes, Maple Syrup 200
Scrapers ..... 3600	Skating Rink Outfits, as described in..... 3350	Sugar, as described in... 2620
Scrapers (Drag and Wheel) ..... 2300	Skins, as described in... 2670	Sugar, Corn..... 200
Screenings, Flaxseed.....	Skins, Hog or Pig..... 670	Sugar, Estimated Weight on ..... 990
..... 410, 420, 1060	Skins, Hog (Flecked)....	Sugar, Grape ..... 200
Screenings, Grain.....	460, 540, 570, 1970, 1973	Sulphate, Sodium Alu- minum ..... 3330
..... 410, 420,	Skins, Pig (Green Salted) 850	Sulphur Solution, stopped in transit ..... 1950
1060, 3333, 3540, 3875	Strips, Weather..... 3070	Supplies, Soda Fountain, as described in..... 680
Screens, Window....520,	Stucco .....190, 590, 2390	
1120, 1150, 1960, 3170		
Scroll Work, as described in...520, 1120, 1960, 3170		

Rules Nos.	ARTICLES.	RATING.
670	Skins (Hog or Pig), fresh, frozen, C. L. Exception.—Will not apply in connection with rates subject to Illinois Classification No. 10-A, E. B. Boyd's I. C. C. No. A-266, I. P. U. C. No. 13, sup- plements thereto and reissues thereof.	Fresh Meat rates and minimum weights.
680	Soda Fountain Supplies, viz.: Syrups, including Syrups containing Crushed or Whole Fruit, Fruit Juices, Malted Ciams, Mineral Water Salts, when packed in wood, glass or earthenware, boxed, minimum weight 30,000 lbs.	5th Class rates.

## STOPPING CARS IN TRANSIT TO COMPLETE LOADING OR TO PARTLY UNLOAD—Continued.

Rules Nos.	COMMODITIES, C. L.	STOP PERMITTED TO	AT	No. of Stops.	Charge per Car per Stop.	EXCEPTIONS. (See pages 61 to 63 for explanation of Notes.)
① 1910	Junk or Scrap Iron, as described in Western Classification .....	Finish loading	All points...	Any Number	\$5.00	See Notes 25 and 28

① Subject to Rule 1760.

## NOTE 25.

Kansas City, Mo., will be considered intermediate on shipments originating at Leavenworth, Kan., or St. Joseph, Mo., when destined to points on and east of the Mississippi River, via C. G. W. R. R.

Kansas City, Mo., will be considered intermediate on shipments originating at St. Joseph, Mo., Atchison or Leavenworth, Kan., when destined to points on or east of the Mississippi River, via C. B. & Q. R. R. or C. R. I. & P. Ry.

Rockford, Ill., will be considered intermediate on shipments from Beloit, Wis., to Chicago, Ill., via C. & N. W. Ry. or C. M. & St. P. Ry.

## NOTE 28.

Will not apply in connection with the Can. Nor. Ry. or D. W. & P. Ry.

Example No. 1. The index refers to Rule 670 for rating on hog or pig skins, to-wit: Fresh meat rates and minimum weights. Thus: The fresh meat rates carried

in a tariff making specific reference to this circular are applicable on hog or pig skins, except when the tariff is subject to the provisions of the Illinois Classification, as indicated in item No. 670.

Example No. 2. Item 680 rates soda fountain supplies at fifth class. This provides for a mixture of soda fountain supplies, not obtainable under the ratings carried in the classifications.

Example No. 3. Item No. 1910 provides for the stopping of junk or scrap iron in transit to finish loading at an additional charge of \$5.00 per car for each stop, subject to notes 25 and 28.

Circle reference <sup>①</sup> refers to item No. 1760, which outlines the conditions under which cars may be stopped in transit.

**2a. Exceptions to Official Classification.** Agent E. Morris, on behalf of the important lines in Central Freight Association Territory, issues and files Exceptions to Official Classification, applicable on traffic moving between points in Central Freight Association Territory and other territories, including Chicago Junction Points, East Mississippi River crossings, Junctions of Western and Central Freight Association roads, Missouri River points, Ohio River crossings, Virginia Common Points, Western Termini Points, Prorating Points in Iowa and Missouri, Trans-Mississippi River Territory, Arkansas, Colorado, Kansas, Mexico, Idaho (when routed via Missouri River crossings), New Mexico, Nebraska, Oklahoma, Texas, Utah, Wyoming, and defined points in Iowa, Minnesota, Arizona, Missouri, Montana, Oregon, and South Dakota, the ratings and rate bases provided in the "Exceptions to Official Classification" applying as proportionals in the construction of through rates, where through application of exceptions is not provided for.



## EXHIBIT No. 54.

Freight Tariff No. 130—.

Exceptions

to

Official Classification

No. 42, I. C. C.—O. C. No. 42, Issued by R. N. Collyer,  
Agent, Supplements Thereto and Reissues Thereof.

Also

Special Rulings

Estimated Weights, Minimum Weights,  
Rental Charges, Etc.

From and to Points in Territories Described Therein.

The provisions of this tariff apply only on traffic covered  
by tariffs which make reference hereto, or which make  
reference to I. C. C. No. —, which is superseded hereby.

Constructional Arrangement of Exception and Ruling  
Schedule.

Authority  
of I. C. C.  
Tariff Cir.  
No. 18-A,  
Rule No.

Title-page .....	3
Individual Carriers' Tariff Numbers.....	3-b
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List of Issuing Carriers.....	17-c
Index of Commodities and Rulings.....	4-c, 4-h
Explanation of Abbreviations .....	4-e
Explanatory Statements (of notes).....	4-g
Territorial Application of Tariff.....	4-d
Rules and Regulations.....	4-h

The schedule embraces not only exceptions to Official  
Classification and rules and regulations governing the

traffic, but also contains a rate table to be used when ratings are provided, based on a percentage of class rates when specific reference is made thereto.

## EXHIBIT No. 55.

## RATE TABLE

TO BE USED WHERE RATES ARE BASED ON A PERCENTAGE OF CLASS RATES AND REFERENCE IS MADE HERETO

Note—Will not apply on Illinois or Indiana Intrastate Traffic. See page 81.

Rates in Cents per 100 lbs.

When Class Rate is	Rates on percentage bases will be											
	60%	65%	70%	73.33%	75%	80%	83.33%	85%	86.66%	90%	95%	128%
6.8	4.0	4.3	4.6	4.8	5.0	5.3	5.5	5.6	5.7	5.9	6.3	8.3
6.7	4.0	4.4	4.7	4.9	5.0	5.4	5.6	5.7	5.8	6.0	6.4	8.4
6.8	4.1	4.4	4.8	5.0	5.1	5.4	5.7	5.8	5.9	6.1	6.6	8.6
6.9	4.1	4.6	4.3	5.1	6.2	5.5	5.7	5.9	6.0	6.2	6.6	8.7
7.0	4.2	4.6	4.9	5.1	5.3	5.6	5.8	6.0	6.1	6.3	6.7	8.8
7.1	4.3	4.6	5.0	5.2	5.3	5.7	5.9	6.0	6.2	6.4	6.7	8.9
7.2	4.3	4.7	5.0	5.3	5.4	5.8	6.0	6.1	6.2	6.5	6.8	9.1
7.3	4.4	4.7	5.1	5.4	5.5	5.8	6.1	6.2	6.3	6.6	6.9	9.2
7.4	4.4	4.8	5.2	5.4	5.6	5.9	6.2	6.3	6.4	6.7	7.0	9.3
7.5	4.5	4.9	5.3	5.5	5.6	6.0	6.2	6.4	6.5	6.8	7.1	9.5
7.6	4.6	4.9	5.3	5.6	5.7	6.1	6.3	6.5	6.6	6.8	7.2	9.6
7.7	4.6	5.0	5.4	5.6	5.8	6.2	6.4	6.5	6.7	6.9	7.3	9.7
7.8	4.7	5.1	5.5	5.7	5.9	6.2	6.5	6.6	6.8	7.0	7.4	9.8
7.9	4.7	5.1	5.5	5.8	5.9	6.3	6.6	6.7	6.8	7.1	7.5	10.0
8.0	4.8	5.2	5.6	5.9	6.0	6.4	6.7	6.8	6.9	7.2	7.6	10.1
8.1	4.9	5.3	5.7	5.9	6.1	6.5	6.7	6.9	7.0	7.3	7.7	10.2
8.2	4.9	5.3	5.7	6.0	6.2	6.6	6.8	7.0	7.1	7.4	7.8	10.3
8.3	5.0	5.4	5.8	6.1	6.2	6.6	6.9	7.1	7.2	7.5	7.9	10.5
8.4	5.0	5.5	5.9	6.2	6.3	6.7	7.0	7.1	7.3	7.6	8.0	10.6
8.5	5.1	5.5	6.0	6.2	6.4	6.8	7.1	7.2	7.4	7.7	8.1	10.7
8.6	5.2	5.6	6.0	6.3	6.5	6.9	7.2	7.3	7.5	7.7	8.2	10.8
8.7	5.2	5.7	6.1	6.4	6.5	7.0	7.2	7.4	7.5	7.8	8.3	11.0
8.8	5.3	5.7	6.2	6.5	6.6	7.0	7.3	7.5	7.6	7.9	8.4	11.1
8.9	5.3	5.8	6.2	6.5	6.7	7.1	7.4	7.6	7.7	8.0	8.5	11.2
9.0	5.4	5.9	6.3	6.6	6.8	7.2	7.5	7.7	7.8	8.1	8.6	11.3
9.1	5.5	5.9	6.4	6.7	6.8	7.3	7.6	7.7	7.9	8.2	8.6	11.5
9.2	5.5	6.0	6.4	6.7	6.9	7.4	7.7	7.8	8.0	8.3	8.7	11.6
9.3	5.6	6.0	6.5	6.8	7.0	7.4	7.7	7.9	8.1	8.4	8.8	11.7
9.4	5.6	6.1	6.6	6.9	7.1	7.5	7.8	8.0	8.1	8.5	8.9	11.8
9.5	5.7	6.2	6.7	7.0	7.1	7.6	7.9	8.1	8.2	8.6	9.0	12.0
9.6	5.8	6.2	6.7	7.0	7.2	7.7	8.0	8.2	8.3	8.6	9.1	12.1
9.7	5.8	6.3	6.8	7.1	7.3	7.8	8.1	8.2	8.4	8.7	9.2	12.2
9.8	5.9	6.4	6.9	7.2	7.4	7.8	8.2	8.3	8.5	8.8	9.3	12.3
9.9	5.9	6.4	6.9	7.3	7.4	7.9	8.2	8.4	8.6	8.9	9.4	12.5
10.0	6.0	6.5	7.0	7.3	7.5	8.0	8.3	8.5	8.7	9.0	9.5	12.6
10.1	6.1	6.6	7.1	7.4	7.6	8.1	8.4	8.6	8.8	9.1	9.6	12.7
10.2	6.1	6.6	7.1	7.5	7.7	8.2	8.5	8.7	8.8	9.2	9.7	12.9
10.3	6.2	6.7	7.2	7.6	7.7	8.2	8.6	8.8	8.9	9.3	9.8	13.0
10.4	6.2	6.8	7.3	7.6	7.8	8.3	8.7	8.8	9.0	9.4	9.9	13.1
10.5	6.3	6.8	7.4	7.7	7.9	8.4	8.7	8.9	9.1	9.5	10.0	13.2
10.6	6.4	6.9	7.4	7.8	8.0	8.5	8.8	9.0	9.2	9.5	10.1	13.4
10.7	6.4	7.0	7.5	7.8	8.0	8.6	8.9	9.1	9.3	9.6	10.2	13.5
10.8	6.5	7.0	7.6	7.9	8.1	8.6	9.0	9.2	9.4	9.7	10.3	13.6
10.9	6.5	7.1	7.6	8.0	8.2	8.7	9.1	9.3	9.4	9.8	10.4	13.7
11.0	6.6	7.2	7.7	8.1	8.3	8.8	9.2	9.4	9.5	9.9	10.5	13.9
11.1	6.7	7.2	7.8	8.1	8.3	8.9	9.2	9.4	9.6	10.0	10.5	14.0
11.2	6.7	7.3	7.8	8.2	8.4	9.0	9.3	9.5	9.7	10.1	10.6	14.2
11.3	6.8	7.3	7.9	8.3	8.5	9.0	9.4	9.6	9.8	10.2	10.7	14.3
11.4	6.8	7.4	8.0	8.4	8.6	9.1	9.5	9.7	9.9	10.3	10.8	14.4
11.5	6.9	7.5	8.1	8.4	8.6	9.2	9.6	9.8	10.0	10.4	10.9	14.5
11.6	7.0	7.5	8.1	8.5	8.7	9.3	9.7	9.9	10.1	10.4	11.0	14.6
11.7	7.0	7.6	8.2	8.6	8.8	9.4	9.7	9.9	10.1	10.5	11.1	14.7
11.8	7.1	7.7	8.3	8.7	8.9	9.4	9.8	10.0	10.2	10.6	11.2	14.9
11.9	7.1	7.7	8.3	8.7	8.9	9.5	9.9	10.1	10.3	10.7	11.3	15.0
12.0	7.2	7.8	8.4	8.8	9.0	9.6	10.0	10.2	10.4	10.8	11.4	15.1

## EXHIBIT No. 55—Continued.

## CLASSIFICATION AND RATING.

Item Nos.	APPLYING ON Minimum Weights as per Official Classification (except as otherwise specified).	Rates Applicable.	Territories Applicable. See pages 71 and 72
1	Acid, Muriatic and Sulphuric, C. L., in tank cars..... C. F. A. Inf. No. 11734.	90% of 5th Class, as per rate table on pages 74 to 81 incl., but not less than 6th Class.	A
865	Paper, viz.: Printing and Wrapping, C. L., classified 5th Class in Official Classification..... C. F. A. Inf. Nos. A-3467 and 12026.	6th Class	A and B

Example 1. To apply exception rating on sulphuric or muriatic acid C. L. in tank cars, between points in territory described in last column, refer to the table of rates which are computed on designated percentage bases. The rate to be located in the rate table is the rate on which the percentage of rating is based. Assuming therefore that the fifth class rate from a given point to another point in the territory covered by these exceptions is 25 cents per 100 lbs., to locate the 90% basis to apply, locate "25" in the column headed, "When class rate is." Opposite "25," in the column headed 90%, will be found 22.5 cents. If, however, this is less than the sixth class rate, the latter must be applied.

Example 2. Item 865, shown above, provides for the sixth class rating on paper, printing and wrapping, rated fifth class in the Official Classification. Therefore this exception takes this article out of the classification on traffic between points in the territory described, and the exception, i. e., sixth class, must be applied.

This illustrates the importance of consulting the exceptions to a classification before quoting or using the rating shown in the classification itself.

The schedule is constructed of numbered items which are indexed and readily located. The territorial application of the ratings and rulings is indicated by territorial and group descriptions of points designated by letters, and occasionally specific territorial application is made in the exception or ruling item itself or by immediate foot-note.

### § 12. Agency Tariff of Rates.

Exhibit No. 56 illustrates the method employed in publishing joint, local and proportional rates for a number of interested carriers by means of a single agency tariff.

#### EXHIBIT No. 56.

Freight Tariff of Joint, Local and Proportional Rates  
Applying on  
Classes and Commodities.

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Interior Mississippi Valley Southbound Tariff No. 5.

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From  
Ohio River Crossings, St. Louis, Mo., Memphis and  
Nashville, Tenn.,  
And Other Points Shown Therein,  
To  
Interior Mississippi Valley Common and Junction  
Points Shown.

Issued by  
M. P. Washburn, Agent,  
Louisville, Kentucky.

## EXHIBIT No. 56—Continued.

## Constructional Arrangement of Tariff.

Authority  
of I. C. C.  
Tariff Cir.  
No. 18-A,  
Rule No.

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List of Participating Carriers.....	17-c
Index of Commodities.....	4-c
List of Commodities on which rates are named in Other Tariffs.....	4-c
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INTERIOR MISSISSIPPI VALLEY SOUTHBOUND TARIFF.

M. P. WASHBURN'S FREIGHT TARIFF No. 1.

## INDEX OF COMMODITIES.

Commodities upon which specific commodity rates are named in this Tariff are arranged alphabetically in the rate tables from and to each point of origin and destination, except that articles in "Commodity" column below on which commodity rates are published will be found in the commodity descriptions shown under heading "See Description On."

Articles not thus provided for and not covered by tariffs listed on pages 8 to 16, inclusive, will be rated in accordance with classification applicable between the different points named in this Tariff.

COMMODITY	SEE DESCRIPTION ON	COMMODITY	SEE DESCRIPTION ON
Alc.....	Beverages.	Firures, grate.....	Iron and Steel Articles.
Apples.....	Fruits, also Items 700 and 703, page 51.	Flag staffs.....	Items 700 and 703, page 51.
Balusters.....	Building Material.	Flake, hominy.....	Food Preparations.
Barley.....	Grain and Grain Products.	Flaked wheat, rye or bar- ley.....	Food Preparations.
Berley, flaked, rolled or pearled.....	Food Preparations.	Flooring.....	Building Material.
Baseboards.....	Building Material.	Flour.....	Grain and Grain Products.
Bases.....	Iron and Steel Articles, also Item 700, page 51.	Frames, stove.....	Iron and Steel Articles.
Baskets, grate.....	Canned Goods.	Frames, grate.....	Item 700, page 51.
Beans, canned.....		Frames, silo.....	Silos.
		Frames, window, door or skylight.....	Building Material.

## EXHIBIT No. 56—Continued.

INTERIOR MISSISSIPPI VALLEY SOUTHBOUND TARIFF.

M. P. WASHBURN'S FREIGHT TARIFF No. 3.

TO WINONA, MISS. FROM	CLASS RATES									
	IN CENTS PER HUNDRED POUNDS									
	1	2	3	4	5	6	A	B	C	D
(For Exceptions, also Basis for Rates from other Points of Origin, see Pages 17 to 25, inclusive.)										
CAIRO.....Ill.										
COLUMBUS.....Ky.										
HICKMAN.....Ky.										
PADUCAH.....Ky.										
MOUND CITY.....Ill.										
NASHVILLE.....Tenn.										
MEMPHIS.....Tenn.										

INTERIOR MISSISSIPPI VALLEY SOUTHBOUND TARIFF.

M. P. WASHBURN'S FREIGHT TARIFF No. 3.

TO WINONA, MISS.	FROM	For Exceptions, also Basis for Rates from other Points of Origin, see pages 17 to 26, inclusive.									
		*COMMODITY RATES 10 Cents per Hundred Pounds Unless Otherwise Shown.									
		FROM									
42	Fruits and vegetables, viz.: Apples, Beets, without tops, Cabbage, Carrots, without tops, straight car loads.....O L										
43	Same, mixed car loads, minimum weight 24,000 lbs.....O L										
44	Glassware, other than cut: Bottles, carboys, demijohns, or jers (one gallon or less in capacity), jelly glasses or jelly tumblers, straight or mixed car loads; or in mixed car loads with bottles, carboys, demijohns or jers, not exceeding five gallons in capacity, fruit jers, caps, covers, fittings, handles, stoppers or tops, minimum weight 20,000 lbs.....O L										
45	Onions, without tops, Peanuts, without tops, Potatoes, end Turnips, without tops.....O L										
46	Same, mixed car loads, minimum weight 24,000 lbs.....O L										
47	Glassware, other than cut: Bottles, carboys, demijohns, or jers (one gallon or less in capacity), jelly glasses or jelly tumblers, straight or mixed car loads; or in mixed car loads with bottles, carboys, demijohns or jers, not exceeding five gallons in capacity, fruit jers, caps, covers, fittings, handles, stoppers or tops, minimum weight 20,000 lbs.....O L										
48	Onions, without tops, Peanuts, without tops, Potatoes, end Turnips, without tops.....O L										
49	Same, mixed car loads, minimum weight 24,000 lbs.....O L										
50	Glassware, other than cut: Bottles, carboys, demijohns, or jers (one gallon or less in capacity), jelly glasses or jelly tumblers, straight or mixed car loads; or in mixed car loads with bottles, carboys, demijohns or jers, not exceeding five gallons in capacity, fruit jers, caps, covers, fittings, handles, stoppers or tops, minimum weight 20,000 lbs.....O L										

INTERIOR MISSISSIPPI VALLEY SOUTHBOUND TARIFF.

M. P. WASHBURN'S FREIGHT TARIFF No. 3.

## INDEX OF POINTS OF ORIGIN AND REFERENCE TO APPLICATION OF RATES.

FROM	INITIAL LINES VIA WHICH RATES APPLY	APPLY		FROM	INITIAL LINES VIA WHICH RATES APPLY	APPLY	
		Rate Basis No. (See page 21 to 40)	Exception No. (See page 41 to 42)			Rate Basis No. (See page 21 to 40)	Exception No. (See page 41 to 42)
Abbotts Spur.....Mo.	St. L., I. M. & S. R'y.....	1	1	Benson.....Mo.	St. L., I. M. & S. R'y.....	1	1
Aberdeen Mine.....Ind.	Sou. R'y.....	15	16	Benton.....Ill.	I. C. R. R.....	10	18
Addyston.....Ohio	(B. & O. S. W. R. R.) (C. O. C. & St. L. R'y.)	21	4	Berkeley.....Ky.	(C. & E. I. R. R.) M. & O. R. R.....	41	9
Albers.....Ill.	Sou. R'y.....	16	16	Bertrand.....Mo.	St. L., I. M. & S. R'y.....	29	7
Albion.....Ill.	Sou. R'y.....	16	16	Bessville.....Mo.	St. L., I. M. & S. R'y.....	65	1
Alcorn's Spur.....Ky.	C. N. O. & T. P. R'y.....	23	4	Bethel.....Tenn.	M. & O. R. R.....	29	19
Aldridge.....Ill.	I. O. R. R.....	10	18	Beuchel.....Ky.	Sou. R'y.....	3	18
Alfrey.....Mo.	St. L., I. M. & S. R'y.....	65	1	Big Bay.....Ill.	I. O. R. R.....	10	18
Allenville.....Mo.	St. L., I. M. & S. R'y.....	65	1	Big Clifty.....Ky.	I. O. R. R.....	3	18
Alma House.....Ky.	I. O. R. R.....	3	18	Binghampton.....Tenn.	L. & N. R. R.....	49	



## EXHIBIT No. 56—Continued.

INTERIOR MISSISSIPPI VALLEY SOUTHBOUND TARIFF.

M. P. WASHBURN'S FREIGHT TARIFF No. 5.

## APPLICATION OF RATES—Continued.

## BASIS FOR RATES—Continued.

The basis for rates authorized below apply in connection with the points of origin as provided on pages 17 to 26, inclusive.

Where basis provides for "Combination Rates," the rate to apply will be the lowest combination of rates applicable via the route over which the shipment moves.

Rate Basis No.	ARTICLES	TO		
		Jackson.....Miss. Meridian.....Miss.	Brookhaven.....Miss. Ellisville.....Miss. Enterprise.....Miss. Hattiesburg.....Miss. Laurel.....Miss. Lumberton.....Miss. Newton.....Miss.	Points other than Brookhaven, Ellisville, Enterprise, Hattiesburg, Jackson, Laurel, Lumberton, Meridian and Newton, Miss.
		BASIS TO APPLY	BASIS TO APPLY	BASIS TO APPLY
16	Classes and commodities (except as shown below).....	St. Louis, Mo., rates.....	Combination rates.....	Combination rates.
	Articles rated Classes O and D.....	St. Louis, Mo., rates.....	St. Louis, Mo., rates.....	St. Louis, Mo., rates.
17	Classes and commodities (except as shown below).....	Combination rates.....	Combination rates.....	Combination rates.
	Live stock.....	Lexington, Ky., rates.....	Lexington, Ky., rates.....	Lexington, Ky., rates.
	Vegetables.....	Louisville, Ky., rates.....	Louisville, Ky., rates.....	Louisville, Ky., rates.

INTERIOR MISSISSIPPI VALLEY SOUTHBOUND TARIFF.

M. P. WASHBURN'S FREIGHT TARIFF No. 5.

## APPLICATION OF RATES—Continued.

## EXCEPTIONS—Continued.

The Exceptions specified below apply in connection with the points of origin as provided on pages 17 to 26, inclusive.

Exception No.	TO (See page 43 for other exceptions.)	INSTRUCTIONS
16	Bells.....Tenn. Dyersburg.....Tenn.	Rates do not apply from points referring to this Exception.
	All points shown herein.....	Rates do not apply in connection with The Missouri Pacific Railway and the St. Louis, Iron Mountain & Southern Railway from points referring to this Exception.

This tariff provides tables of class rates and commodity rates, and bases for rates from and to points other than those alphabetically shown in rate tables. Thus, the class rates, governed by Southern Classification and exceptions thereto, are constructed as specific point rates in the table of rates, with reference to pages in tariff upon which will be found "exceptions" and "basis for rates from other points of origin." These "exceptions" and "rate bases" will be illustrated in connection with commodity rates.

The "Index of Commodities" is somewhat complicated. It combines not only index of articles but in directing the location of the rate to be used the commodity item is used, thus necessitating a double reference to the index. In the tables of rates the class rates and commodity rates are both shown in connection with the same point of origin, the class rates appearing at the top of the page, followed directly underneath by the commodity rates in the form illustrated in Exhibit No. 56.

Example No. 1. To apply rate on apples, in carloads, from Columbus, Ky., to Winona, Miss.: In the "Index of Commodities" apples take the rate applicable to commodity item "Vegetables and Fruits." "Vegetables and Fruits," in commodity rate table, Item No. 42, take a rate of 28 cents per 100 pounds from Columbus, Ky., to Winona, Miss.

Example No. 2. To apply rates from other origin points than those shown in the rate tables—from Albion, Ill., to Jackson, Miss.: In "Index of Points of Origin" (Exhibit No. 56) Albion, Ill., is given Rate Basis No. "16," subject to "exception" No. "16." Referring to "Basis of Rates" Rate Basis No. "16" to Jackson, Miss., initial line "Southern Ry.," applies St. Louis, Mo., rates on classes and commodities. This means that the rates from Albion, Ill., to Jackson, Miss., will be the same as the rates from St. Louis, Mo., to Jackson, Miss. The rates are made subject to "Exception No. 16," which, by reference to "Application of Rates—Exceptions," will be found to except the Missouri Pacific Railway and the St. Louis, Iron Mountain & Southern Railway from participation in rates from all points of origin shown. Hence, the rates provided from Albion, Ill., to Jackson, Miss., can not be applied via the two excepted lines.

## EXHIBIT No. 57.

## DISTANCE TARIFF.

(Applies only as provided in Rate Basis No. 29, page 35.)

DISTANCES (For Table of Distances see M. & O. R. R. Freight Tariff No. 441, I. C. C. No. A-428, and supplement thereto or releases thereof.)	CLASS RATES									
	IN CENTS PER HUNDRED POUNDS									
	1	2	3	4	5	6	A	B	C	D
5 miles and less.....	e25	22	r19	r16	r14	r11	r11	15	r9	7
10 miles and over 5...	r23	r24	r22	r18	r15	r13	r13	16	r10	8
15 " " 10...	r31	r27	r24	r20	r17	r14	r14	17	13	10
20 " " 15...	r34	r30	r29	r22	r19	r15	r15	18	r14	11
25 " " 20...	r37	r32	r28	r24	r20	r17	r17	21	r15	12

INTERIOR MISSISSIPPI VALLEY SOUTHBOUND TARIFF.

M. F. WASHBURN'S FREIGHT TARIFF No. 1.

## APPLICATION OF RATES—Continued

## BASIS FOR RATES—Continued

The basis for rates authorized below apply in connection with the points of origin as provided on pages 17 to 26, inclusive.

Where basis provides for "Combination Rates," the rate to apply will be the lowest combination of rates applicable via the route over which the shipment moves.

Rate Basis No.	ARTICLES	TO		
		Jackson.....Miss. Meridian.....Miss.	Brookhaven.....Miss. Ellisville.....Miss. Enterprise.....Miss. Mattiesburg.....Miss. Laurel.....Miss. Lumberton.....Miss. Newton.....Miss.	Points other than Brookhaven, Ellisville, Enterprise, Mat- tiesburg, Jackson, Laurel, Lumberton, Meridian and Newton, Miss.
		BASIS TO APPLY	BASIS TO APPLY	BASIS TO APPLY
29	Commodities shown in Item No. 703, page 51.	Cairo, Ill., rates.....	Cairo, Ill., rates.....	Cairo, Ill., rates. (See Note)

NOTE—Rates from points taking Rate Basis No. 29 to Aberdeen, Columbus, Corinth, Enterprise, Houston, Meridian, Starkville, Tupelo and West Point, Miss. If the use of the Distance Tariff on page 52 of this Tariff makes a lower charge on any shipment to Aberdeen, Columbus, Corinth, Enterprise, Houston, Meridian, Starkville, Tupelo and West Point, Miss., than the specific rate shown in this Tariff from Cairo, Ill., such lower charge will be applied.

Two distance rate tables are included in the tariff, each applicable under a single rate basis, as illustrated in Exhibit No. 57.

## § 13. Territorial Directory and Basing Book.

Exhibits Nos. 58 and 59 indicate the general methods employed in the publication of territorial directories and basing books.

## EXHIBIT No. 58.

## SOUTHWESTERN LINES TERRITORIAL DIRECTORY

No. ———

Showing a List of Stations in

Alabama	Kansas	Nebraska	South Carolina
Arkansas	Kentucky	New York	South Dakota
Florida	Louisiana	North Carolina	Tennessee
Georgia	Michigan	North Dakota	Virginia
Illinois	Minnesota	Ohio	West Virginia
Indiana	Mississippi	Oklahoma	Wisconsin
Iowa	Missouri	Pennsylvania	Dominion of Canada

Their Railroad and Territorial Location; Also Special  
Class and Commodity Rate Bases

Applicable on traffic to and from Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Texas; also Texarkana, Ark.-Tex., and the Republic of Mexico. In connection with tariffs making reference thereto.

Issued by

E. MORRIS, Agent,  
Chicago, Ill.

F. A. LELAND, Agent,  
St. Louis, Mo.

CONSTRUCTIONAL ARRANGEMENT OF DIREC-  
TORY AND BASING SCHEDULE.

	Authority
	I. C. C.
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	Rule No.
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## EXHIBIT No. 59.

## GENERAL APPLICATION OF BASES.

(Exceptions to application of territorial bases.)

## SPECIAL NOTICE.

## Item No. 1.

In alphabetical list of stations, pages 24 to 361, inclusive, where name of territorial location is followed by reference to some item or items, and all are included in the same brace, it must be understood that the rates shown on the commodities specified in the item or items, will constitute exceptions to the general application of rates to or from the territory shown. Where no territorial location or item reference is specified, there are no through rates in effect.

Where references to items are shown, the references are intended to apply in connection with such items as amended or re-issued.

## EXAMPLES.

## (1) ALLEGAN, MICH., PAGE 27:

Between Allegan, Mich., and points in Arizona, Louisiana, New Mexico and Texas, via all of the lines shown, 9 cents per 100 pounds higher than St. Louis rates will apply on paper; on classes and all commodities other than paper, Detroit-Cleveland territorial rates will apply; to and from Arkansas, Mexico and Oklahoma, also Texarkana, Ark.-Tex., Detroit-Cleveland territorial rates will apply on all classes and commodities.

## (2) ABERDEEN, N. C., PAGE 24:

Between Aberdeen, N. C., and points in Arizona, Louisiana, Mexico, New Mexico and Texas, also Texarkana, Ark.-Tex., and Oklahoma, via all the lines shown, Raleigh territorial rates apply; between Aberdeen, N. C., and points in Arkansas there are no through rates in effect via any line.

## (3) ALBIA, IOWA, PAGE 26:

Between Albia, Iowa, and points in Arizona, Louisiana, Mexico, New Mexico and Texas, also Texarkana, Ark.-Tex., via all the lines shown, Omaha-Davenport territorial rates will apply; on traffic to and from Arkansas points in Ft. Smith group, via A. & C. Ry., no through rates in effect, via the C. B. & Q. R. R., Davenport rates apply, via Iowa Central Ry. and Wabash R. R., Chicago territorial rates will apply; on traffic to and from points in Arkansas other than Ft. Smith group, in connection with C. B. & Q. R. R. and Wabash R. R., Davenport territorial rates will apply; to and from same points in connection with the A. & C. Ry. and Iowa Central Ry. no through rates in effect, and on traffic to and from points in Oklahoma, via all lines shown, St. Louis territorial rates will apply.

## (4) COMSTOCK, MINN., PAGE 88:

From Comstock, Minn., via the G. N. Ry., rates to points in Arkansas are as shown in items Nos. 366 and 367, only. Between Comstock, Minn., and points in Arizona, Louisiana, New Mexico, Mexico, Oklahoma and Texas, also Texarkana, Ark.-Tex., there are no through rates in effect.

## Application of Bases at points not specifically provided for.

## Item No. 2.

This Territorial Directory contains (with few exceptions) only the names of stations having a population of 500 or more. From or to stations not indexed herein, the rates will be the same as from or to the nearest station on the same line which is indexed, except that this provision will not apply from or to points west of the Kansas-Colorado State Line, or from points west of a line beginning at Omaha, Neb., and extending through Fremont, Lincolnwood, Seward, Nora and Nelson, Neb., to and including Superior, Neb.

Note A—The provisions of this item will not apply on traffic to or from Texas, Texarkana, Mexico or Oklahoma, from or to stations on the following lines:

Atlanta & West Point R. R.  
Atlanta, Birmingham & Atlantic R. R.  
Atlantic Coast Line R. R.  
Central of Georgia Ry. Co.  
Gulf & Ship Island R. R.  
Cincinnati, New Orleans & Texas Pacific Ry.

Louisville & Nashville R. R.  
Louisville, Henderson & St. Louis Ry.  
Nashville, Chattanooga & St. Louis Ry.  
Seaboard Air Line Ry.  
Western Ry. of Alabama,  
Western & Atlantic R. R.

Note B—The provisions of this item will not apply on traffic to or from Arkansas, when from or to stations in Alabama, Florida, Georgia, Kentucky, Mississippi and Tennessee. All points in the States of Alabama, Florida, Georgia, Kentucky, Mississippi and Tennessee to or from which through rates are in effect, from and to Arkansas, are now shown in the Directory.  
(C. F. 18229)

(Non-applicable when in conflict with special rates or rate bases.)

## Item No. 2-A.

The bases shown in this tariff will not apply in cases where the rates or rate bases provided in tariffs made subject to this tariff conflict with those named herein.

## List of points included in "Fort Smith" Group:

## Item No. 3.

The following list includes all the points that comprise "Fort Smith" Group in this Directory:

Arkost.....Ark.	Fidelity.....Ark.	Hoye.....Ark.	Poteau.....Ark.
Apex....."	Ft. Smith....."	Huntington....."	Potter....."
Bonanza....."	Grenwood....."	Jenson....."	Shaft Six....."
Burma....."	Gunther, No. 1....."	Mansfield....."	Smokeless....."
Cameron....."	Gunther, No. 2....."	Maney Junction.....Okla.	South Ft. Smith....."
Cavanal....."	Hackett....."	Midland....."	Van Buren....."
Cedars....."	Harp....."	Montreal....."	Ward....."
Delias....."	Hartford....."	Monroe....."	Williams....."
Dennis....."	Hartford Junction....."	Neff....."	Williams Spur....."
Doubleday....."	Hill....."	Oak Park....."	Wister....."
Excelsior....."	Hoffman....."	Patterson....."	
Fenn....."	Howe....."		



## EXHIBIT No. 59—Continued.

STATIONS	RAILROAD LOCATION	TERRITORIAL APPLICATION AND SPECIAL RATE BASES Applicable on Traffic to or from Points in Arizona, Arkansas, Louisiana, New Mexico, Oklahoma, Republic of Mexico and Texas; also TEXARKANA, ARK.-TEX.			
		ARIZONA, LOUISIANA, NEW MEXICO, TEXAS and TEXARKANA, ARK.-TEX.	ARKANSAS (Except Texarkana, Ark.-Tex.)		OKLAHOMA
			Ft. Smith Group.	All Points Except Ft. Smith Group.	
Abbeville.....Ga.	S. A. L.....	{ Macon..... }	Macon.....	Macon.....	{ Macon. See Item No. 352.
Abbeville.....La.	M. L. & T.....	{ See Item No. 113 }	.....	.....	{ See Item No. 113.
Abbeville.....S. C.	{ S. A. L..... }	{ Southern..... }	.....	.....	{ Carolina. See Item 112.
Abbey.....La.	T. & P.....	New Orleans.....	.....	.....	.....
Abbeyville.....Kan.	A. T. & S. F.....	Kansas City.....	Kansas Group 1..	Kansas Group 1..	.....
Aberdeen.....N. C.	{ A. & A..... }	Raleigh.....	.....	.....	Raleigh.
	{ A. & R..... }	.....	.....	.....	.....
	{ S. A. L..... }	.....	.....	.....	.....
Allegas.....Mich.	{ S. & M. S.. }	{ Detroit- Cleveland See Item 341..... }	Detroit-Cleveland.	Detroit-Cleveland.	Detroit-Cleveland
	{ Mich. Cent..... }	.....	.....	.....	.....
	{ P. M. System..... }	.....	.....	.....	.....
Albia.....Iowa	{ A. & C..... }	Omaha-Davenport	Davenport.....	Davenport.....	St. Louis.
	{ C. B. & Q..... }	.....	Chicago.....	Chicago.....	.....
	{ Iowa C..... }	.....	Chicago.....	Davenport.....	.....
	{ Wabash..... }	.....	.....	.....	.....
Comstock.....Minn.	G. N.....	.....	See Item No. 368.	{ See Items No. 368 and 367.	.....

## SPECIAL RATE BASES—Continued.

Item No.	COMMODITIES	FROM	TO	BASES
341	Paper: Wrapping paper, not otherwise specified in this Tariff, in bundles, boxes or crates, Printed Paper, including Wrappers (exclusive of Labels), in bundles, boxes or crates; Paraffined, Oiled, Waxed and Rosin Glazed, in bundles, boxes or crates; Tissue, in bundles, boxes or crates, Paper Bags, in bundle or rolls, and Paper Tablets and Tabs (exclusive of Bill Heads), straight or mixed carloads, minimum weight 36,000 pounds.....		Arizona, Louisiana, New Mexico and Texas.	9 cents per 100 pounds higher than St. Louis rates.
	Binders Board, Box Board, Cloth Board, plain or lined Pulp Board, Straw Board and Tar Board, straight or mixed carloads, minimum weight 36,000 pounds.	Allegan.....Mich Constantine..... Kalamazoo..... Muskegon..... Osage..... Plainwell..... Ypsilanti.....	Arizona, Louisiana, New Mexico and Texas.	9 cents per 100 pounds higher than St. Louis rates.
	Paper (Not Printed), viz: Writing (flat); Printing, invoice valuation exceeding 3½ cents per pound, or invoice value not receipted for, Tablets and Tabs (exclusive of Bill Heads) in boxes, crates, bales or rolls; straight or mixed carloads, minimum weight 36,000 pounds.....		Arizona, Louisiana, New Mexico and Texas.	9 cents per 100 pounds higher than St. Louis rates.
	Paper (not printed), Printing, invoice value not exceeding 3½ cents per pound and so receipted for, in boxes, crates, bales or rolls, carloads, minimum weight 36,000 pounds..		Arizona, Louisiana, New Mexico and Texas.	9 cents per 100 pounds higher than St. Louis rates.



The special rate bases illustrated in Item No. 341 provides for the 9-cent differential over St. Louis on paper from Allegan, Mich., to points in Arizona, Louisiana, New Mexico and Texas, referred to in Example No. 1 under "General Application of Bases."

### EXHIBIT No. 59—Continued.

#### SPECIAL RATE BASES—Continued.

Rates to and from points named on pages 24 to 351, inclusive, showing reference to the following items will be made by adding to the Chicago Territorial rates the differentials shown below (See ①):

Item No.	CLASSES										COMMODITIES												
	1	2	3	4	5	A	B	C	D	E	Potatoes, carloads.	Paper, any quantity.	Canned Goods, carloads.	Agricultural Implements, carloads. (See ①)	Salt Fish, carloads.	Furniture, carloads. (See ①)	Moulding, Wooden, and Spools, carloads, minimum weight 20,000 pounds.	Store Boards, carloads.	Wooden Butter Dishes, Wood- sware, Clothes Pins and Broom Handles, straight or mixed carloads.	Excelsior, carloads.	Green Salt Hides, carloads (east-bound).	Refrigerators, any quantity	
DIFFERENTIALS IN CENTS PER 100 POUNDS (SEE ①).																							
96	10	9	8	7	6	6	5	5	5	4	8	0	8										
97	10	9	8	7	6	6	5	5	5	4	8	0	8	4	3								
98	10	9	8	7	6	6	5	5	5	4	8	0	8			0							
99	10	9	8	7	6	6	5	5	5	4	8	0	8		8		5½						
100	10	9	8	7	6	6	5	5	5	4	8	0	8					5					
101	20	18	18	14	12	12	10	10	10	8	0	0	0	0	0								
102	20	18	18	14	12	12	10	10	10	8	0	0	0	0	0								
103	10	9	8	7	6	6	5	5	5	4	8	0	8	0	0								
104	10	9	8	7	6	6	5	5	5	4	8	0	8	0	0								
105	10	9	8	7	6	6	5	5	5	4	8	0	8	0	0								
106	10	9	8	7	6	6	5	5	5	4	8	0	8	0	0						1		
107	10	9	8	7	6	6	5	5	5	4	8	0	8	0	0							0	
108	10	9	8	7	6	6	5	5	5	4	8	0	8	0	0								
109	20	18	18	14	12	12	10	10	10	8	0	0	0	0	0						0	0	

Rates to and from points named on pages 24 to 351, inclusive, showing reference to the following items, will be made by adding to New Orleans, La., rates the differentials shown below:

#### DIFFERENTIALS IN CENTS PER 100 POUNDS (SEE ①).

Item No.	Carloads, other than Sugar and Molasses	Less Carloads	Sugar and Molasses	Item No.	Carloads, other than Sugar and Molasses	Less Carloads	Sugar and Molasses
113	8	10	2½	116	5	10	2
114	2½	5	2	117	2½	5	0
115	10	20	.....	118	2½	5	.....

The special rate bases are employed in the construction of the through rates by reference throughout the tariff to item numbers in connection with the points to and from which rates apply in the territorial application of the tariff. Thus, to construct the through rates from Abbeville, La.,

on the M. L. & T. R. R., to points in Arizona, Louisiana, Mexico, New Mexico, Texas and Texarkana, Ark.-Tex., reference is made to "Item No. 113," in "Territorial Application and Special Rate Bases," where "Abbeville, La.," is shown in station column. Item No. 113, in "Special Rate Bases" shown, provides certain commodity differentials which must be added to the New Orleans, La., rates to construct the Abbeville rates. Class and commodity differentials are provided in the form illustrated in Items Nos. 96 to 109 in Exhibit No. 60.



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# APPENDIX

## Regulations and Administrative Rulings

of the

### Interstate Commerce Commission

Governing the

Construction and Filing of Freight Tariffs  
and Classifications

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Reprinted from

I. C. C. Tariff Circular No. 18-A

and including all

Additions, Supplements and Amendments thereto.

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American Commerce Association

JULY, 1916





# APPENDIX

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REGULATIONS ISSUED BY THE INTERSTATE COMMERCE COMMISSION, UNDER AUTHORITY OF SECTION 6 OF THE ACT TO REGULATE COMMERCE AS AMENDED JUNE 18, 1910, TO GOVERN THE CONSTRUCTION AND FILING OF FREIGHT TARIFFS AND CLASSIFICATIONS, BY COMMON CARRIERS WHOLLY BY RAILROAD OR PARTLY BY RAILROAD AND PARTLY BY WATER, AS DEFINED IN SAID ACT.

Amended to July, 1916.

## FREIGHT TARIFFS AND CLASSIFICATIONS.

When provisions for rejection of publications that do not conform to these regulations have been omitted it is to avoid conflict with the penalties provided in section 6 of the Act for failure to comply with rules and orders of the Commission, issued under that section.

Tariffs that were lawfully on file with the Commission on May 1, 1907, and that have not since that time been superseded or canceled, will, except as provided in paragraph (g) of Rule 68, be considered as continued in force until they can be properly reissued. All tariffs filed on or after May 1, 1911, must, except as otherwise specified herein, conform to all of these rules. The Commission may direct the reissue of any tariff at any time.

The term "joint rate," as used herein, is construed to mean a rate that extends over the lines of two or more carriers and that is made by agreement between such carriers.

"Joint tariffs" are those which contain or are made up from such "joint rates."

1. All tariffs must be printed on hard calendered paper of good quality from type of size not less than 6-point full face. Stereotype, planograph, or other printing-press process may be used. Alterations in writing or erasures must not be made in tariffs before filing. Reproductions by hec-

topograph or similar process, typewritten sheets, or proof sheets must not be used for posting or filing.

All tariffs must be in book, sheet, or pamphlet form, and of size 8 by 11 inches. Loose-leaf plan may be used so that changes can be made by re-printing and inserting a single leaf. (See Rule 9 (e).)

2. (a) All tariff publications or supplements thereto must indicate increases thereby made in existing rates or charges, rules or regulations, or classifications by the use of black-faced type or by the use of a uniform symbol throughout the schedule. All tariff publications or supplements thereto which are filed with the Commission on or after May 1, 1911, must also indicate reductions thereby made in existing rates or charges, rules or regulations, or classifications by the use of italic type or by the use of a uniform symbol throughout the schedule. Clear explanation of the use of distinctive type or symbols must be made in the tariff.

(b) When a new tariff canceling a previous tariff omits points of origin or destination or rates which were contained in such previous tariff, the new tariff shall show, in the manner prescribed in paragraph (e) of Rule 8, where the rate or rates will thereafter be found, and if such omissions effect increases or decreases in charges that fact shall be shown by the use of proper symbols.

3. The title-page of every tariff shall show:

(a) Name of issuing carrier, carriers, or agent.

(b) I. C. C. number of tariff in bold type on upper right-hand corner, and immediately thereunder, in smaller type, the I. C. C. number or numbers of tariffs canceled thereby. If the number of canceled tariffs is so large as to render it impracticable to thus enter them on the title-page, they must be shown immediately following the table of contents, and specific reference to such list must be entered on title-page immediately under the I. C. C. number of the tariff. Serial numbers of carriers may, if desired, be entered below the upper marginal line of the title-page. Separate serial I. C. C. numbers will be used for freight and passenger tariffs.

(c) Whether tariff is local, joint, proportional, or a combination of same and whether class, commodity, or a combination of both.

(d) The territory or points from and to which the tariff applies, briefly stated.

(e) Reference by name and I. C. C. number to the classification and exception sheets governing the tariff. Following form will be used: "Governed, except as otherwise provided herein, by the ——— classification, ———, I. C. C. No. —, supplements thereto and reissues thereof; and by exceptions to said classification, ——— I. C. C. No. —, supplements thereto and reissues thereof." A tariff is not governed by a classification or exceptions thereto except when and to the extent stated on the tariff.

(f) Date of issue and date effective. Any tariff may be changed upon statutory notice of thirty days, or, under special permission from the Commission, upon shorter notice. Therefore, a provision in a tariff that the same, or any part thereof, will expire upon a given date, is not a guaranty that the tariff, or such part of it, will remain effective until that date. The Commission considers such expiration notices undesirable, as many complications have arisen through their being overlooked. Such provision, if used, must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way. On such tariffs the term "Expires ———, unless sooner canceled, changed, or extended," must be used.

(g) On every tariff or supplement that is issued on less than thirty days' notice by permission or order or regulation of the Commission, notation that it is issued under special permission or order of the Interstate Commerce Commission, No. —, of [date] ———, or by authority of Rule —, Tariff Circular 18-A, or by authority of decision of the Commission in case No. —. (See Rule 14.)

(h) On upper left-hand corner of tariffs of less than 5 pages and on tariffs issued in loose-leaf form, the words: "No supplement to this tariff will be issued except for the purpose of canceling the tariff." On tariffs containing 5 and not more than 16 pages, inclusive: "Only one supplement to this tariff will be in effect at any time." On tariffs containing 17 and not more than 111 pages, inclusive: "Only two supplements to this tariff will be in effect at any time." On tariffs containing over 111 pages: "Only three supplements to this tariff will be in effect at any time."

On a tariff which provides for suspension and restoration of rail-and-water rates, as authorized by Rule 12, the following exception should be made in connection with the above notations: "except as provided for in rule — (or item —), page —, of this tariff."

(i) Name, title, and address of officer by whom tariff is issued.

4. Tariffs in book or pamphlet form shall contain in the order named:

(a) Table of contents: A full and complete statement in alphabetical order, of the exact location where information under general headings, by subjects, will be found, specifying page or item numbers. If a tariff contains so small a volume of matter that its title-page or its interior arrangement plainly discloses its contents, the table of contents may be omitted.

(b) Names of issuing carriers, including those for which joint agent issues under power of attorney, and names of carriers participating under concurrence, alphabetically arranged. If there be not more than ten participating carriers their names may be shown on the title-page of the tariff. The form and number of power of attorney or concurrence by which each carrier is made party to the tariff must be shown.

(c) Alphabetically arranged and complete index of all commodities upon which commodity rates are named, preceded by a paragraph, viz.: "Following list enumerates only such articles as are given specific rates; articles not specified will take class rates." All of the items relating to different kinds or species of the same commodity will be grouped together. For example, all items of coal under "Coal," and descriptive word or words following, as "Coal," "Coal—Anthracite," "Coal—Bituminous," etc.

The index to a general commodity tariff or a combined class and commodity tariff shall also include in alphabetical order all articles upon which commodity rates are named in other tariffs applying from any point of origin to any point of destination named in the tariff, and with such entry shall be shown the number or numbers of tariffs in which such rates are found. For example, "Lime, I. C. C. No. 122," or "Staves, I. C. C. No. 1042." Carriers' tariff numbers may be also shown.

A commodity item which refers to a list of articles taking one commodity rate need be indexed but once provided reference is given to the item or the I. C. C. number of the issue that contains list of the articles embraced in the term. For example: "Agricultural implements, as described in item — of this tariff," or "as described in Western Classification, I. C. C. No. —;" or "Packing-House Products, as described in ——— Tariff, I. C. C. No. —." When such specific reference to list of articles embraced in the term is given, the several articles so embraced need not be indexed separately.

A local tariff on a single commodity, or a few commodities, shall contain all of that carrier's commodity rates on such commodity or commodities applying from any point of origin to any point of destination named in the tariff; and a joint commodity tariff shall contain all of the initial carrier's commodity rates on the same commodity or commodities applying from any point of origin to any point of destination named in the tariff via the route or routes authorized by the tariff. If there be not more than ten such commodities they may be named on the title-page of the tariff.

If all of the commodity rates to each destination in the tariff are arranged alphabetically by commodities, and plain reference thereto is given in table of contents, further or other index of commodities may be omitted from that tariff, provided that, if the issuing carrier, or a participating carrier, has in other tariff or tariffs commodity rates applying from any point of origin to any point of destination named in the tariff, a complete list in alphabetical order by commodities of such other tariffs, together with description of character of traffic, territory or points of origin and of destination, and the I. C. C. numbers of tariffs containing such commodity rates shall be shown in the first part of the tariff and shall be specifically referred to in the table of contents.

(d) An alphabetical index of points from which rates apply, and an alphabetical index of points to which rates apply, together with names of States in which located. When practicable, the index numbers of points and pages upon which rates will be found, or item numbers in which rates from or to such points appear, should be shown. If there be not more than 12 points of origin or 12 points of destination, the name of each may, if practicable, be specified on title-page of tariff.

If a tariff is arranged by groups of origin or destination, by bases, or by bases numbers, the indices must show for each point the proper group, basis, or basis number.

If points of origin or of destination are shown throughout the rate tables in continuous alphabetical order, or are shown alphabetically by States and such States are alphabetically arranged, or are shown by groups alphabetically arranged, no index of points of origin or destination will be required. But when such alphabetical arrangement in rate tables is used the table of contents shall indicate the pages upon which points are so shown, and when arranged by States or groups shall give specific reference to the pages on which rates to or from points in each State or group will be found.

If a tariff is constructed so as to state rates by groups or bases, and also states specific rates to or from individual points, it shall contain an alphabetical index of such individual points and also alphabetical lists of the points in such groups, or reference to the I. C. C. number of issue which contains lists of such group points.

Geographical description of application of tariff may be used only when the tariff applies to or from all points in one or more States or Territories or when it applies to or from all points in a State or Territory except those specified. But such list of exceptions for a single State or Territory may not exceed one-third of the number of points in that State or Territory to or from which (as the case may be) the tariff will apply. For example, a tariff may state that it applies from all points in New York, Pennsylvania, and New Jersey, and from all points in Delaware, except [here give alphabetical list of excepted points], and from the following points in Ohio [here give alphabetical list of Ohio points].

Traffic territorial or group descriptions may be used to designate points to or from which rates named in the tariff apply, provided a complete list of such points arranged by traffic territories or groups is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list. In this list the points in each traffic territorial or group description shall be arranged alphabetically, and the name or names of roads upon which points are located must be shown; or all of the points in traffic territories or groups named in the tariff may be included in one alphabetical index, provided (1) that points of origin and points of destination are shown separately, alphabetically; (2) that the name or names



of roads upon which points are located and the traffic territorial or group description in which they belong are shown opposite the several points.

(e) Explanation of reference marks and technical abbreviations used in the tariff, except that a special rule or provision applying to a particular rate will be shown in connection with and on same page with such rate.

(f) List of exceptions, if any, to the classification governing the tariff which are not contained in exception sheets referred to on title-page.

(g) Such explanatory statement in clear and explicit terms regarding the rates and rules contained in the tariff as may be necessary to remove all doubt as to their proper application.

(h) Rules and regulations which govern the tariff, the title of each rule or regulation to be shown in bold type. Under this head all of the rules, regulations, or conditions which in any way affect the rates named in the tariff shall be entered, except that a special rule applying to a particular rate shall be shown in connection with and on the same page with such rate.

No rule or regulation shall be included which in any way or in any terms authorizes substituting for any rate named in the tariff a rate found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a part.

Tariffs which contain rates for the transportation of explosives must also contain notice that such rates are applicable in connection and in compliance with the regulations governing the transportation of explosives fixed by the Interstate Commerce Commission. If tariff is governed by classification, it will be sufficient to include this notice in the classification referred to as governing the tariff. (See Rule 65.)

A carrier or an agent may publish, under I. C. C. number, post, and file a tariff publication containing the rules and regulations which are to govern certain rate schedules, and such publication may be made a part of such rate schedules by the specific reference "Governed by rules and regulations shown in ——— I. C. C. No. —." When a tariff makes reference to another tariff the I. C. C. number of such other tariff must be given, and when such tariff referred to is the publication of another carrier or an agent, the initials of such other carrier or the name of such agent, respectively, must be shown in connection with the I. C. C. number.

A rate schedule may in like manner refer to another schedule for the governing rules and regulations.

A schedule or a publication so referred to must be on file with the Commission and be posted at every place where a schedule that refers to it is posted.

(i) An explicit statement of the rates, in cents or in dollars and cents, per 100 pounds, per barrel or other package, per ton or per car, together with the names or designation of the places from and to which they apply, all arranged in a simple and systematic manner. Minimum carload

weights must be specifically stated. Tariffs containing rates per ton must specify what constitutes a ton thereunder. A ton of 2,000 pounds must be specified as "net ton" or "ton of 2,000 pounds." A ton of 2,240 pounds must be specified as a "gross ton," "long ton," or a "ton of 2,240 pounds." Complicated or ambiguous plans or terms must be avoided.

When a classification or exception sheet contains rules under which numerous commodities are classified as taking a percentage of a class rate (for example, rules similar to Rules 25 and 26 of the Official Classification), class-rate tariffs governed by such classification or exception sheet shall show specifically the rates applicable under such rules just as if those rules were additional numbered or lettered classes.

(j) The different routes via which tariff applies may be shown, together with appropriate reference to application of rates. When a tariff specifies routing the rates may not be applied via routes not specified. A tariff may show the routing ordinarily and customarily to be used and may provide that, if from any cause shipments are sent via other junction points but over the lines of carriers parties to the tariff, the rates will apply.

If a tariff contains no routing directions the joint rates shown therein are applicable between the points specified via the lines of any and all carriers that are parties to the tariff; and shipper must not be required to pay higher charges than those stated in the tariff because the carriers have not agreed divisions of the rates via the junction through which the shipment moves. If agent of carrier bills or sends shipment via a route or junction point that is covered by the tariff but via which no division of the rate applies, it is for the carriers to agree between themselves upon the division of the rate, and the intermediate or delivering carriers may demand from the carrier whose agent so misleads shipment their full local rates for the services which they perform. (This must not be construed as conflicting with routing and misrouting rulings published in Conference Rulings Bulletins.)

5. (a) The practice on part of carriers of accepting and transporting through shipments, as to which no joint rate applies, upon rates made up by combination of the rates of the several carriers participating in the movement, and of collecting, as delivering carriers, the aggregate charges of the several carriers upon such shipments, and of accounting to such carriers for their several portions of such charges, is practically universal. That custom has the same binding effect as a joint rate, both as between carriers themselves and as between carriers and shippers. Therefore carriers may construct rates for through shipments to and from points to and from which there is no applicable published joint rate, by using lawfully published and filed bases, locals or proportionals, in connection with other lawfully published and filed tariffs. In making up a combination rate all limitations which a tariff places upon the use of a basing, proportional, or arbitrary rate must be fully observed.

(b) Tariffs containing basing or proportional rates must specify clearly the extent and manner of their use, and tariffs that are especially intended for use in connection with published basing rates must show the I. C. C. numbers of tariffs in which bases can be found.

A carrier may provide in its tariffs that, in the absence of a specific rate from point of origin to destination of a through shipment, combination rate to or via certain points will be made upon specified basing point of points, or by using certain specified tariffs or rates, and the combination rate so specified will be the lawful rate for that shipment.

A carrier may incorporate in a tariff the following rule:

Rates to destinations or from points of origin not shown in this tariff will, in the absence of specific rate from point of origin to destination, be made by adding to the rates shown in this tariff the rates shown in other tariffs lawfully on file with the Interstate Commerce Commission, but if the rate so made exceeds the rate to or from a point beyond on the same direct line or route *as shown in this tariff*, the latter rate will apply.

NOTE.—If a rate applies to or from a group or zone or blanket of points of origin or of destination, such rate will be considered as “named” or “shown” from each point within such properly described group, zone, or blanket.

When desired the following may be added:

Rates so made will apply via all routes authorized under this tariff to or from contiguous points of origin or of destination.

If shipment moves to or from a point of origin or of destination or via a junction point with connecting or branch line at which interchange is made *directly intermediate to the base point upon which the lowest combination makes*, such combination must be applied; and it is not necessary to haul the shipment to such base point and back again to or through point of origin or destination or such junction point.

NOTE.—Neither this rule nor any portion thereof is to be construed as conferring any authority to depart from the prohibitions of the fourth section of the Act against higher charges for shorter distances, and higher charges as a through route than the aggregate of the intermediate rates, or as modifying or authorizing departure from the Commission's ruling that a specific class or commodity rate between two points is the lawful rate between those points regardless of any combination rate. It must also be understood that in a case where the lowest combination of rates makes on a base point as to which the point of origin or of destination is directly intermediate, a specific rate to or from such point that is higher than such combination is included in the Commission's ruling that a through rate that is higher than the combination of intermediate rates between the same points is *prima facie* unreasonable. It must be further understood that in applying the lowest combination when it makes upon a base point as to which the point of origin or of destination is directly intermediate, the Commission expresses no opinion as to the reasonableness of a rate so constructed.

(c) If no specific rate from point of origin to destination of a through shipment is provided, and no specific manner of constructing combination rate for it is prescribed, the lowest combination of rates applicable

via the route over which the shipment moves is the lawful rate for that shipment.

Such combination through rate must be treated as a unit from the date of original shipment to the date of its arrival at destination, and the rate applied must be the combination of the rates which exists upon the date of original shipment. All of the conditions, regulations, and privileges obtaining as to any factor in such combination rate for through shipment at the time of original shipment upon such combination through rate must be adhered to and can not be varied as to that shipment during the period of transportation of such shipment to its final destination. A local or proportional rate "in" can not be absorbed, diminished, or affected by any "out" rate not in effect at the time when the traffic moved upon such local or proportional rate.

6. (a) The terms "common points," "Southeastern territory," or similar terms shall not be used in any tariff for the purpose of indicating the points from or to which rates named therein apply, unless a full list of such points is printed in the tariff or specific reference is given to the I. C. C. number of the issue that contains such list.

The terms "grain products," "forest products," "petroleum and its products," "cottonseed products," or similar terms must not be used in any tariff for the purpose of indicating the articles to which the rates apply, unless a full list of the articles intended to be included in and covered by such terms is printed in the tariff or specific reference is given to I. C. C. number of issue that contains such list.

(b) Commodity rates must be specific and must not be applied to analogous articles.

7. (a) In every instance where a commodity rate is named in a tariff upon a commodity and between specified points such commodity rate is the lawful rate and the only rate that may be used with relation to that traffic between those points, even though a class rate or some combination may make lower. The naming of a commodity rate on any article or character of traffic takes such article or traffic out of the classification and out of the class rates between the points to which such commodity rate applies.

Class rates or commodity rates may be made for specified mixed shipments and will be the lawful rates for such mixtures, even though certain parts of the mixtures are covered by class or commodity rates when shipped separately.

(b) If the alternative use of class or commodity rates is necessary or desired in any instance it may be provided by including in different sections of one and the same tariff such class and commodity rates, and by including in each section the specific rule "If the rates in Section — of this tariff make a lower charge on any shipment than the rates in Section — of this tariff, the rates in Section — will be applied." No rates may be so included in a tariff for alternative use excepting such as the



carrier or agent who issues the tariff is lawfully authorized to publish and change; that is, rates issued by another carrier or agency may not be reproduced for such alternative use.

(c) Each tariff that contains class rates and that is not constructed in sections for alternative use of rates, as provided in paragraph (b) of this Rule, and that is issued or supplemented hereafter, shall also contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities, or less-than-carload quantities, as the case may be).

(d) Each tariff that contains class and commodity rates and that is constructed in sections for alternative use of rates as provided in paragraph (b) of this Rule, and that is issued or supplemented hereafter, shall also contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be), except when and in so far as alternative use of class and commodity rates that are contained in separate sections of this tariff is specifically authorized herein.

(e) Each classification that is issued or supplemented hereafter shall contain a rule as follows:

Whenever a carload (or a less-than-carload) commodity rate is established it removes the application of the class rates to or from the same points on that commodity in carload quantities (or less-than-carload quantities, as the case may be), except when and in so far as alternative use of class and commodity rates is specifically provided for by including in different sections of one and the same tariff such class and commodity rates, and by including in each section of such tariff the specific rule, "If the rates in Section — of this tariff make a lower charge on any shipment than the rates in Section — of this tariff, the rates in Section — will be applied."

8. (a) If a tariff or supplement to a tariff is issued which conflicts with a part of another tariff or supplement to the same or another tariff which is in force at the time, and which is not thereby canceled in full, it shall specifically state the portion of such other tariff or such other supplement which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way; that is, by reissue if tariff is of less than five pages, and by reissue or supplement if tariff is of more than five pages. Such reissue or supplement must state where rates will thereafter be found and must be filed at the same time and in connection with the tariff which contains the new rates. It will not be necessary to give on commodity tariff or supplement reference to class-rate tariffs that may be affected, nor to give on class-rate tariffs or supplements reference to commodity tariffs, except as provided in Rule 56.

(b) An agent who acts under power of attorney is fully authorized to act for the carriers that have named him their agent and attorney, and, therefore, it is permissible for him to cancel by his tariffs issues of such principals.

A carrier may not by its individual tariff cancel, amend, or modify a tariff filed by a duly authorized agent, except when corresponding amendment to such agent's tariff is filed at the same time and as per paragraph (a) of this Rule.

(c) A concurrence does not confer authority upon either carrier or agent to cancel tariffs of concurring carrier, and, therefore, tariffs issued under concurrences may not assume to cancel, or carry notation of cancellation of tariffs of and issued by concurring carriers. Such cancellations must be made by the carrier that issued the tariff that is to be canceled.

(d) If a tariff is canceled with the purpose of canceling entirely the rates named therein, or when, through error or omission, a later issue failed to cancel the previous issue and a tariff is canceled for the purpose of perfecting the records, the cancellation notice must not be given a new I. C. C. number, but must be issued as a supplement to the tariff which it cancels, even though it be a tariff of 4 pages or less, and even though the tariff may at the time have the full number of supplements permitted by paragraph (e) of Rule 9.

(e) When a tariff or a rate is canceled, the cancellation notice must show where rates or rate will thereafter be found or what rates or rate will thereafter apply. For example: "Rate in —, I. C. C. No. —, will apply," or "Class rates will apply," or "Combination rate will apply," or "No rates in effect." (See Rule 2 (b).)

If a tariff is canceled with the purpose of applying in lieu thereof the rates shown in some other tariff, the cancellation notice shall make specific reference to the I. C. C. number of tariff in which the rates will thereafter be found. Cancellation of a tariff also cancels supplements to such tariff, if any in effect. If a tariff is canceled by the issuance of a similar tariff to take its place, cancellation notice must not be given by supplement, but by notice printed in new tariff, as provided in paragraph (b) of Rule 3.

(f) When the items in a tariff or a supplement are designated by item numbers the cancellation of an item must be under the same item number; for example, item 41-A cancels item 41. If a canceled item or any part thereof is taken up and thereafter carried in another item of different number, the cancellation must be carried under the original item number and must show in what item or items the effective rates are to be found, and the cancellation of the item in the original tariff or supplement must be brought forward in successive supplements as a reissued item as long as the cancellation is in force.



9. (a) A change in or addition to a tariff shall be known as an amendment, and, excepting amendments to tariffs of less than 5 pages, and amendments to tariffs issued in loose-leaf form, shall be printed in a supplement to the tariff and shall refer to the page or pages or item or items of the tariff, or of previous supplement, which it amends.

An amended item must always be printed in a supplement in its entirety as amended, and the items in each supplement shall be arranged in the same general order as the tariff which it amends.

(b) A supplement shall contain either a list of carriers participating therein, or shall state that the list of participating carriers is "as shown in tariff," or "as shown in tariff, except [here show alphabetically all additions to and eliminations from the original list that are effected by the supplement, or that have been effected by previous supplements]."

(c) Supplements to a tariff shall be numbered consecutively as supplements to that tariff and must not be given separate or new I. C. C. numbers. Each supplement shall specify the supplement or supplements which it cancels, and shall also show on its title-page what supplements contain all changes from the original tariff that are in effect. For example: "Supplement No. — to I. C. C. No. —," "Cancels Supplements Nos. — and —," "Supplements Nos. — and — contain all changes from the original tariff that are effective on the date hereof." The term "cancels conflicting portions" must not be used.

(d) A tariff which contains reissued items brought forward from a previous issue which has not been in effect thirty days, or a supplement which brings forward reissued items without change from a former supplement or tariff, must bear the notation: "Effective — except as noted in individual items." Example: "Issued —, 19—, Effective —, 19—, except as noted in individual items." Reissued items brought forward without change must show in conspicuous form and convenient manner the following: "Reissue (in black-face type); effective [date upon which item became effective] in I. C. C. No. —" or "in Supplement No. — to I. C. C. No. —." When the reissued item became effective in a former supplement to the same tariff the I. C. C. number of the tariff may be omitted, but the supplement number must be given.

Items reissued from publications that were on file prior to May 1, 1907, may show last date and reference prior to May 1, 1907.

(e) Except as authorized in Rules 8 (d), 9 (i), 9 (k), 11 and 12 (d), tariff of less than 5 pages may have no supplement, change therein may be made only by reissue; not more than one supplement may be in effect at any time to a tariff containing 5 and not more than 16 pages; not more than two supplements may be in effect at any time to a tariff containing 17 and not more than 111 pages; not more than three supplements may be in effect at any time to a tariff containing more than 111 pages, and such third supplement may be issued only when the smaller of the two

effective supplements to that tariff contains not less than 10 per centum of the number of pages in the tariff.

Tariffs containing 5 or more pages, including title-pages and indexes, may be supplemented to the following extent:

Number of pages in tariff (including title-page and index)—	Supplements may contain (including title-page and index)—
5 and not more than 16 pages.....	Not more than 4 pages.
17 and not more than 32 pages.....	Not more than 6 pages.
33 or more pages.....	Not more than 25 per centum of the number of pages in tariff.

NOTE.—The changes made as to the number of supplements to a tariff that may be issued or that may be in effect at any time are applicable only to tariffs that are issued after May 12, 1909, and that bear on their title-pages notations in harmony with paragraph (*e*) of this Rule and in accord with paragraph (*h*) of Rule 3. As to tariffs heretofore issued, subsequently to May 1, 1907, the notations which they bear as to issuance of supplements and the number of supplements that may be in effect at any time must be observed until such tariffs are superseded or reissued.

Tariffs of less than five pages that were filed prior to May 1, 1907, may not be further supplemented after July 1, 1909. Tariffs of five or more pages that were filed prior to May 1, 1907, may not be further supplemented after October 1, 1909, except by bringing, and thereafter maintaining, the number of effective supplements within the provisions of paragraph (*e*) of this Rule.

All changes in and additions to tariffs issued in loose-leaf form must be made by reprinting both pages of the leaf upon which change is made. Changes or additions made must be indicated as provided in Rule 2 and when no change or addition is made in one of the pages reprinted it must bear notation "No change in this page." Such pages must not be given supplement numbers, but must be designated "First revised page —," "Second revised page —," etc., must show the I. C. C. number of the tariff, the issued and effective dates, and the name, title, and address of officer by whom issued.

(*f*) If a tariff provides that it will be reissued periodically at specified times, not more than six months apart, and the life of the tariff does not exceed six months, and such provision is strictly observed, supplements to such tariff may contain all amendments thereto between such specified dates for reissue, without limit as to size. Such tariff must bear on upper left-hand corner of title-page notation "This tariff will be reissued effective on or before —, 19—."

(*g*) A supplement of five or more pages must have an index of the matter which it contains, and a supplement of more than 23 pages must also contain a table of contents.

(*h*) If a tariff is filed on statutory notice canceling another tariff and after such filing and prior to the effective date of such new tariff a sup-

plement to the tariff to be so canceled should be lawfully issued, rates in that supplement could not continue in effect for the thirty days required by law because the cancellation of the tariff also cancels supplements to it. In such a case supplements containing changes not included in the tariff that is to become effective may be issued as supplements both to the tariff in effect and to the tariff on file that will effect such cancellation, and be given both I. C. C. numbers. In other words, such issue must be a supplement to each of the tariffs, and copies must be filed accordingly. A supplement issued under this Rule containing reissued items shall note in connection with each of such items, in addition to the date effective as required by the Rule, that the reissued items expire on the date at which the new tariff becomes effective, and that the new tariff will apply in lieu thereof; and such reissued items must not be brought forward in subsequent supplements to the new tariff. Such supplement may not contain any changes except those lawfully made by supplement to the tariff which is to be canceled by the tariff that has been filed and that is also so supplemented; and no other kind of supplement to a tariff that is on file and not yet effective may be made effective within thirty days from the effective date of the tariff without special permission.

The provisions of paragraph (e) of this Rule as to the number of supplements to a tariff that may be in effect at any time, and the volume of supplemental matter they may contain must be observed in connection with supplement issued under this paragraph.

(i) In case of change of ownership or control of a carrier, or when a road or a part of a road is transferred from the operating control of one company to that of another, or when its name is changed, the carrier which will thereafter operate the road, if it intends to use the tariff publications and rates of the former operating company, shall issue, file, and post, with I. C. C. number, an adoption notice substantially as follows:

The [name of carrier] hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, filed with the Interstate Commerce Commission by the [name of old carrier] prior to [date] the beginning of its possession. By this tariff it also adopts and ratifies all supplements or amendments to any of the above tariffs, etc., which have been heretofore filed with said Commission.

This notice may be made effective and be filed on immediate notice.

Similar adoption notice must be filed by a receiver when assuming possession and control of a carrier's lines.

Concurrences and powers of attorney so adopted by a carrier must, as soon as possible, be replaced and superseded by new concurrences and powers of attorney issued by and in the name of the new carrier or company, and in each instance canceling the concurrence or power of attorney superseded.

(j) A carrier whose line is absorbed, taken over, or purchased by another carrier shall unite with that other carrier in the publication and filing of common supplements to the tariffs on file with the Commission, on the one hand withdrawing, and on the other hand accepting and establishing such tariffs and all effective supplements thereto. Such common supplements shall be executed jointly by the traffic officers of both the old and the new carriers, shall be numbered consecutively as supplements to the tariffs (even if of less than five pages) to which they are directed, and may be made effective on *immediate* notice to the public and the Commission by noting thereon reference to this Rule. Such common supplements will not be counted against the number of supplements permitted to such tariff under paragraph (c) of Rule 9. Amendments to such tariff must thereafter be filed in consecutively numbered supplements thereto until the tariffs are reissued. New tariffs reissuing or superseding these shall be numbered in the I. C. C. series of the new carrier.

The carrier surrendering control of the property has no lawful right to abandon its tariffs except on lawful notice, and when it surrenders control of the property it surrenders all right to publish rates applicable thereto except under proper authority from the carrier or company to whose control the property passes. The public has a right to available and lawfully applicable rates over that property.

(k) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a tariff or classification, rate, charge, regulation, or practice, the following course shall be pursued by carriers:

Upon receipt of order of suspension of any publication in its entirety the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement stating that such schedule is under suspension and may not be used until further and proper notice, or until such specified date as the suspension order of the Commission may name, and that rates theretofore in effect and which were to be changed by the suspended publication will remain in effect. Such supplement shall state by I. C. C. number or numbers the tariff or tariffs in which rates, classifications, charges, or regulations so restored will be found.

Upon receipt of order of suspension of parts of a publication which, except as to such parts, is allowed to become effective, the carrier or agent publishing and filing such schedule shall *immediately* file with the Commission a supplement containing a copy of the Commission's order of suspension and stating that the part or parts of such schedule specified in the order are under suspension and may not be applied or charged until further notice, or until such specified date as the suspension order of the Commission may name. Such supplement shall also contain in reissued items the rates, classifications, charges, or regulations applicable during the period of suspension or shall give specific reference, by I. C. C.



number or numbers, to the tariff or tariffs or supplements thereto, in which they will be found.

The title-page of every suspension supplement issued under authority of this Rule must bear date of issue, but no effective date, inasmuch as the suspension is effective from the date of filing and serving the Commission's suspension order.

When the Commission vacates an order of suspension made by it under authority of section 15 of the Act, as amended, the carrier or agent who published and filed such suspended tariff or supplement shall *immediately* file with the Commission a supplement stating the date upon which, under authority of the vacating order, the rate, classification, charge, regulation, or practice becomes effective. Such supplement may not be given a retro-active effective date.

Every suspension or vacating supplement issued under authority of this Rule must bear on title-page the following notation:

Issued under authority of Rule 9 (*k*) Tariff Circular 18-A and in compliance with Investigation and Suspension Order No. — of the Interstate Commerce Commission, of [date] 19—.

Such supplements will not be counted against the number of supplements permitted to such tariff under paragraph (*e*) of Rule 9.

Every supplement issued under this Rule must be forthwith posted in every depot, station, office, or other place where the schedule affected by the order of suspension or vacation is posted, and should be given the same general distribution.

As an assistance in taking care of the ordinary changes in rates which may be necessary during the period of suspension of an entire tariff or supplement, or any portion thereof, the tariff remaining in effect as a result of such suspension may be further amended without regard to the Commission's Rule as to the volume of supplemental matter which the effective supplements in the aggregate may contain, but the Commission's Rule prohibiting the supplementing of tariffs of less than five pages must be observed. Desired changes in tariffs of less than five pages must be made by reissue. If the suspended tariff subsequently becomes effective, such tariff as may be reissued during the period of suspension must be canceled in the regular way.

A new or changed rate, rule, or regulation made effective during the period of suspension shall remain in force for the statutory period of 30 days.

No change may be made in a suspended item or items, nor in a tariff or supplement which has been suspended in its entirety, except by special permission of the Commission.

When a six months' tariff or a supplement to a six months' tariff, or any portion thereof, is suspended by the Commission, the previous tariff and effective supplements will remain in force until lawfully changed or

reissued, and the fixed period for the reissue of such six months' tariff may be deferred for the period of suspension of the tariff or supplements thereto.

The title-page of the six months' tariffs referred to above should be corrected by supplement to announce that the tariff will not be deissued prior to [date to which suspended], 19—.

When the Commission suspends portions of a supplement to a tariff, such supplement shall be continued in force throughout the period of suspension and may not be canceled by a subsequent supplement or by a reissue of the tariff pending decision of the Commission in the case, except by special permission of the Commission. However, any items in such supplement, other than the suspended items, which it is desired to reissue or amend may be specifically reissued or canceled by corresponding items in a subsequent supplement. Such supplement containing suspended items will not be counted against the number of supplements permitted to such tariff under paragraph (e) of Rule 9, provided all items in such supplement, except the suspended portions thereof, are reissued in or canceled by the subsequent supplement.

Not infrequently, prior to the service of the Commission's suspension order, a carrier or its agent files a later supplement which contains in reissued items the portions of the previous supplement which are by such order suspended and also provides for the cancellation of such previous supplement. In such instances the supplement which the carrier is required to file giving public notice of such suspension shall, in addition to containing a copy of the Commission's order of suspension, also note specifically the cancellation from the later supplement of the reissue of such suspended portions, shall provide by amendment to the title-page of such later supplement that it cancels only such portions of the previous supplement as are not suspended, and shall also contain in reissued items the rates, classifications, charges, or regulations applicable during the period of suspension or shall give specific reference, by I. C. C. number or numbers, to the tariff or tariffs, or supplements thereto, in which they will be found.

(m) When the Commission, under authority of section 15 of the Act to regulate commerce, as amended, suspends the operation and defers the use of a schedule which contains both increases and reductions in rates, charges, classifications, or regulations, such *reduced* rates, charges, classifications, or regulations may be reestablished on one day's notice to the Commission and the public, prior to and effective upon the date the new schedule was intended to take effect, by the publication and filing of a supplement to the tariff continued in force by reason of such suspension, or, if such tariff is of less than five pages, by the publication and filing of a new tariff, making proper cancellation of the restored tariff. A supple-



ment or tariff issued under authority of this Rule shall bear upon its title-page the following notation:

Issued by authority of Rule 9 (*m*), Interstate Commerce Commission  
Tariff Circular 18-A.

10. (a) Each carrier shall publish, with proper I. C. C. numbers, post, and file separate tariffs which shall contain in clear, plain, and specific form and terms all the terminal charges and all allowances, such as arbitraries, switching, icing, storage, elevation, diversion, reconsignment, transit privileges, and car service, together with all other privileges, charges, and rules, which in any way increase or decrease the amount to be paid on any shipment as stated in the tariff which contains the rate applicable to such shipment, or which increase or decrease the value of the service to the shipper. Such tariffs must stipulate clearly the extent of such privileges and the charges connected therewith, and shall also state whether or not the rate published by the initial carrier from the point of origin to ultimate destination will apply. If the through rate does apply it must be as of the date of shipment from point of origin.

If such privilege is granted or charge is made in connection with the rate under which the shipment moves from point of origin, the initial carrier's tariff which contains such rate must also show the privilege or the charge or must state that shipments thereunder are entitled to such privileges and subject to such charges according to the tariffs of the carriers granting the privileges or performing the services, as "lawfully on file with the Interstate Commerce Commission."

(b) If a joint rate applies to or from a point on a terminal or switching road, and such terminal or switching road receives a division of said rate which is not absorbed by a connecting carrier, the terminal or switching road must publish, post, and file, or concur in and post, the tariff containing the joint rate.

(c) A switching or terminal road, even though its lines be purely intrastate, must publish, post, and file in accordance with the law and the Commission's regulations, tariff or tariffs containing all its charges upon or for movements of interstate shipments; and this must be done whether or not any part or all of such terminal or switching road's charges on such shipments are paid or absorbed by connecting carriers.

(d) If a switching or terminal road's charges are to be added to the tariff charges of a connecting carrier, the tariff of such connecting carrier quoting such rates to or from the point at which such terminal or switching road is located must clearly state that shipments thereunder are subject to additional charges for terminal service in accordance with the current tariffs of terminal or switching road as same are on file with the Interstate Commerce Commission.

(e) If part or all of the charges of a terminal or switching road are to be absorbed by a connecting road, the tariff of such connecting road

must specify that its rate includes originating or delivery services by the terminal or switching road, and that the connecting road will absorb the charges of such terminal or switching road in a specified sum, or as per the current tariffs of the terminal or switching road [naming it] as on file with the Interstate Commerce Commission.

(f) When connecting carriers other than terminal or switching roads switch for each other and absorb part or all of each other's charges, their switching charges must be shown in lawfully filed and posted tariffs, and their tariffs must also state the circumstances, under which and the instances in which they will absorb other carrier's switching charges, and must specify that such absorption will be in a stated sum per 100 pounds, per ton or per car, or as per tariffs on file with the Interstate Commerce Commission.

(g) It is permissible for a carrier, or for two or more carriers, to issue a tariff containing distance or mileage class rates, commodity rates, or both, for use in determining rates on its or their own lines, but in such cases the distance or mileage class rates may be used only when no other class rates are provided and the distance or mileage commodity rates may be used only when no other commodity rates are provided.

Each tariff that contains distance or mileage class rates only must bear on its title-page the following rule:

Class rates shown herein may be used only when no specific class rates have been provided. When governed by classification which also contains distance or mileage class rates they will take precedence over the distance or mileage class rates in such classification. They may not be used either by themselves or in combination in preference to any specific class rate.

Each tariff that contains distance or mileage commodity rates only must bear on its title-page the following rule:

Commodity rates shown herein may be used only when no specific commodity rates have been provided. When governed by classification which also contains distance or mileage commodity rates they will take precedence over the distance or mileage commodity rates in such classification. They may not be used either by themselves or in combination in preference to any specific commodity rate.

Each tariff that contains only distance or mileage class and commodity rates must bear on its title-page the following rule:

Class rates shown herein may be used only when no specific class rates have been provided. Commodity rates shown herein may be used only when no specific commodity rates have been provided. When governed by classification which also contains distance or mileage rates they will take precedence over the distance or mileage rates in such classification. These class rates may not be used either by themselves or in combination in preference to any specific class rate, nor may these commodity rates be used either by themselves or in combination in preference to any specific commodity rate.

A distance tariff may be included in a tariff of specific rates, together with the following rule: "If the use of the distance tariff on page — of this tariff makes a lower charge on any shipment than the specific rate shown in this tariff such lower charge will apply."

(h) Every carrier that uses a distance tariff, which is or may be used in connection with rates on interstate shipments, must incorporate therein an official list of all the points in connection with which the tariff may apply, showing in proper arrangement the distances between them; or must give therein reference by I. C. C. number to the issue that contains such list.

(i) A carrier may issue a tariff publication under I. C. C. number containing an official list of its points and may show therein distances, prepay points, billing instructions to points not on line of road, etc. If such publication contains no rates and no rules or regulations that of themselves or in connection with a tariff which refers to it affect the charges on any shipment, supplements to and reissues of it may be made effective on one day's notice to the public and to the Commission. Each such supplement or reissue must bear on its title page notation: "Issued under authority of Rule 10 (i), Interstate Commerce Commission Tariff Circular 18-A." Changes in numbers assigned to stations, distances, additions of new stations on old lines of road, or withdrawal of stations may be included in such reissue or supplement, but effective only upon statutory notice; and when any such change is made in a supplement to or reissue of such publication, each such change shall be specifically noted as effective on a date which gives full statutory notice, and title page of such supplement or reissue shall bear notation: "Effective [date], except that changes in station numbers, distances, additions of new stations on old lines, and withdrawal of stations are effective [date] as shown in the items which contain such changes." No supplement to or reissue of such publication, whether issued under authority of this Rule, or on statutory notice, or under special permission, may contain notice of any change effective prior to the effective date of the supplement or reissue. If, however, such publication contains any rate or any rule or regulation that can affect the charges upon any shipment, no change in the publication may be made except upon statutory notice or by special permission for shorter time.

(j) A tariff publication confined to information and regulations governing the use of tank cars or to information as to numbers, dimensions, capacities, etc., of freight cars may be issued, and, except as hereinafter specified, may be supplemented only on statutory notice or under special permission. Supplements to such publication which contain no changes except additions of cars not before listed, substitution of new cars for old cars, changes in ownership of cars, and corrections in marked capacities or dimensions of cars already listed may be issued and made effective upon one day's notice to the Commission and to the public as required by law.

In connection with this Rule, regulations as to number of supplements to a publication and the volume of supplemental matter that may be contained therein (Rule 9) must be observed; and when changes are made on short notice hereunder and are incorporated in supplements with other matter brought forward from previous supplements, such other matter must be plainly noted as reissued from a former supplement (see paragraph (d) of Rule 9), and no changes except those above specified may be included.

11. Each carrier shall publish under proper I. C. C. number, post, and file a complete index of tariffs which are in effect and to which it is a party either as an initial or a delivering carrier. Such index shall be prepared in sections, as follows, and shall show: (a) I. C. C. number; (b) carrier's own number; (c) index number; (d) initials of issuing road or agent; (e) issuing road or agent's number; (f) character of tariff or description of the articles upon which it applies; (g) where tariff applies from; (h) where tariff applies to.

A group of family lines may unite in the publication and filing by the parent line, or a duly authorized agent, of a joint index of the tariffs of such family lines, provided the application of the tariffs as to each line is plainly indicated and such lines are shown as parties to the joint index by concurrence or power of attorney.

NOTE.—Items (b), (c), and (e) may be omitted. Items (f), (g), and (h) will be stated in concise general terms.

*First section.*—A list of all the tariffs as to which the carrier is an initial carrier. Commodity tariffs to be entered alphabetically under names of commodities or principal commodities. Tariffs applying to different groups of the same commodity must be grouped together; e. g., "Lumber—hardwood;" "Lumber—yellow pine," etc.

Following the specific commodity tariffs will be entered the general commodity tariffs, the class and commodity tariffs, and the class tariffs. Under each of these heads the application of the tariffs will be described by alphabetical arrangement of the points or territory from or to which they apply, in either the "From" or "To" column.

Under the head of "Miscellaneous schedules" will follow list of schedules, such as billing books, classifications, exception sheets, switching tariffs, terminal charges, etc., each entered in alphabetical order.

*Second section.*—List of all tariffs under which the carrier is a delivering carrier arranged alphabetically by names of issuing carriers or agents, with the items arranged by commodities and classes under each of such carriers or agents, as prescribed for the first section. If carrier so desires, lists of tariffs under which it is an intermediate carrier may be included in this section, provided those tariffs under which it is a delivering carrier or an intermediate carrier or both are indicated.



*Third section.*—A complete list of the numbers of tariffs of its own I. C. C. series arranged in numerical order.

If carrier so desires, lists of its intrastate tariffs, division sheets, official circulars, etc., may appear in this publication. In connection with intrastate tariffs a reference mark must be used with explanation: "Rates in this tariff do not apply to interstate shipments." Tariffs covering specific circus movements and supplements to tariffs need not be included in indices.

If any changes are made, the index must be revised to date, either by reissue each month or by supplement each month and reissue every twelve months. If supplements are used they must be numbered consecutively, must be constructed in accordance with specifications as to construction of index, and show additions, changes, and cancellations made in index or canceled supplement thereto.

Each index must bear on its title-page notations, as follows: "This index contains lists of tariff publications in effect on [date of issue of index];" to which may be added, "or which have been filed to become effective at a later date as shown within." If supplements to index will not be used, "No supplement to this index will be issued;" if supplements will be used, "This index will be reissued on or before —, 19—, and supplements will be issued each month in which change is made."

Each supplement to index must bear on title-page the notation "Supplements Nos. — and — contain corrections to and as in effect on [date of issue of supplement];" to which may be added, "or which have been filed to become effective at a later date as shown within."

NOTE.—As to indexes now on file which bear notation as to the number of supplements that may be issued thereto and which do not bear notation that they will be reissued on or before a specified date, the Rule heretofore in effect as to supplements must be continued. Such indexes may be brought within the provisions of the above Rule as to supplements by reissue. A specified date for reissue stated on an index now on file must be observed.

The title-page of index or of supplement must show the date of issue thereof, which must correspond to date shown in notations above and must not bear an effective date. The rule requiring thirty days' notice does not apply to these indexes and their supplements.

NOTE.—This rule is also in rules governing passenger tariffs. One index containing both freight and passenger tariffs may be filed, but if both are included in one index it must be given an I. C. C. number in both freight and passenger series and four copies must be sent to the Commission.

**12.** Tariffs containing rail-and-water rates or all-water rates applicable via routes upon which it is necessary to close navigation during a portion of the year, and which do not become effective and expire by specified expiration within the same season of navigation, may provide for suspen-

sion and restoration of the rail-and-water rates and the all-water rates named therein under the following regulations:

(a) The following notation shall appear on the title-page of the tariff:

The rates named herein for rail-and-water and all-water transportation are subject to suspension at the close of navigation and restoration on the opening of navigation of [here insert the name of the water carrier or carriers specified in the tariff] on notice as provided on page — of this tariff.

(b) In the rules governing the tariff shall appear the following:

In anticipation of opening of navigation of [here insert name of water carrier or carriers named in the tariff] restoration of the rail-and-water and all-water rates contained in this tariff and in effective supplements thereto which were in force on the date the rates were last suspended or which have subsequently been made effective, will be announced by supplement to this tariff which will be filed with the Interstate Commerce Commission, be posted at points from which the rates apply, and become effective not less than three days thereafter.

NOTE.—This effective date shall not be such as to allow more than thirty days at point of transshipment for reforwarding by the water carrier.

The rates in this tariff and in supplements thereto for rail-and-water and all-water transportation are effective only during the season of navigation of [here insert the name of water carrier or carriers named in the tariff] until [here insert date upon which freight can be forwarded from point of shipment and with reasonable certainty reach the point of transshipment prior to the last sailing of water carrier]. From that date and until announcement by supplement to this tariff of the date which wholly suspends rates for the season, shipments will be accepted under this tariff only subject to the provision that in the event of such shipments being in excess of the available vessel capacity at time of arrival at port of transshipment or of arrival too late for forwarding by vessel, the same will be forwarded via all-rail route and be subject to the tariff rates via such all-rail route in effect on the date of shipment from the point of origin; shipping receipts, bills of lading, and waybills must bear notation to this effect. The supplement announcing the close of navigation and the suspension of rail-and-water and all-water rates named in this tariff and in its effective supplements will be filed with the Interstate Commerce Commission and will be posted at points from which the rates apply not less than three days in advance of the date upon which the rates will be suspended from points of original shipment.

When rates in a tariff which was effective during a previous season of navigation have been restored by supplement to that tariff, and such tariff is canceled by a new tariff for the approaching season which is filed to become effective upon a date subsequent to the date of such restoration, no supplement to the new tariff, announcing restoration of rates, is required.

When rates in the tariff which were effective during a previous season of navigation are not restored by supplement to that tariff but are cancelled by new tariff filed effective upon statutory notice, prior to the opening of navigation, it is necessary that such new tariff be supplemented to an-



nounce restoration of rates, which restoration must not be prior to the effective date stated upon the title-page of the new tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection with and following the rule governing the restoration of rates, carry a provision as follows:

The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of 19—.

When a new tariff which does not cancel a previous tariff is filed effective upon statutory notice, prior to the opening of navigation, it is necessary that such new tariff be supplemented to announce the opening of navigation, and the effective date of such announcement must not be prior to the effective date stated upon the tariff; or, in lieu of the issuance of such supplement, the new tariff may, in connection with and immediately following the rule governing restoration of rates, carry a provision as follows:

The effective date of this tariff is as shown on title-page and therefore no supplement announcing restoration of rates is required for the season of 19—.

In instances where definite dates of closing and opening of navigation may be determined for each season of navigation the following rule may be incorporated in the tariff, instead of the two rules provided for in paragraph (b) of this Rule:

The rates in this tariff and in supplements thereto for rail-and-water and all-water transportation are effective only during the season of navigation of the [here insert the name of water carrier or carriers named in the tariff], which will be from [opening date] to [closing date], inclusive. From the later date until the actual close of navigation [actual closing date], at which time such rates in this tariff will be wholly suspended, shipments will be accepted under this tariff only subject to the provision that in the event of such shipments being in excess of the available vessel capacity at time of arrival at port of transshipment or of arrival too late for forwarding by vessel the same will be forwarded via all-rail route and will be subject to the tariff rates via such all-rail route in effect on the date of shipment from the point of origin. Shipping receipts, bills of lading and waybills must bear notation to this effect.

The rates in this tariff or in effective supplements thereto for rail-and-water or all-water transportation which were in force when the rates were wholly suspended [closing date], or which have subsequently been made effective, will be restored and applied on and after [opening date].

(c) Where the tariff suspended or restored under this Rule applies to joint transportation by rail and river, or canal, or inland lakes other than the Great Lakes, such tariffs may be suspended or restored on a like notice of one day instead of three days.

(d) Supplements issued under this Rule announcing suspension and restoration of rail-and-water and water rates in tariffs must not contain anything except such suspension or restoration notice or notices. Only

one such supplement announcing suspension or restoration of the rates in a tariff may be in effect at any time, and such supplement will not be counted against the number of supplements permitted to such tariff under Rule 9 (e).

(e) Rail-and-water and all-water rates suspended under this Rule may be reissued or amended during such period of suspension upon statutory notice the same as though the rates were in effect and active use, but the restoration of the rates by supplement notice will not advance the effective date of any supplement to the tariff which has not on the date of restoration become effective. Supplements made effective prior to the date of restoration will be made effective on a given date, or may be stated to be "Effective with restoration of tariff and supplements for season of 19— (to be announced by subsequent supplement) but not earlier than [statutory notice] 19—, nor earlier than noted in individual items."

(f) Statutory notice of suspension, withdrawal, or restoration of rates or regulations must be given as to all tariffs that do not contain the provisions of paragraphs (a) and (b) of this Rule.

(g) The provisions of Rule 10 will also apply to carriers in rail and water lines and to tariffs applying on such lines, and in addition thereto, if storage or transit privilege is given at port of transshipment on the Great Lakes in connection with a joint rail-and-water rate upon which shipment moves from point of origin, the initial carrier's tariff which contains such rate must also contain the privilege or the charge, or give specific reference by I. C. C. number to the tariff of the carrier that grants the privilege or performs the service which contains such regulations and charges connected therewith.

13. (a) Tariffs, classifications, and exception sheets and supplements thereto shall be filed with the Commission by proper officer of the carrier or by an agent designated to perform that duty, and concurrence of every carrier participating therein must be on file with the Commission or accompany the tariff or supplement. If a carrier authorizes an agent to file its tariffs or classifications and exception sheets and supplements thereto, or certain of them, official notice of such authorization and of acceptance of responsibility by the carrier for his acts, in form as hereinafter specified, must be filed with the Commission.

Such authority may be revoked by a carrier upon thirty days' official notice to the Commission, or at any time be transferred to another agent by filing with the Commission notice of such transfer, accompanied by a full-form authorization for the newly named agent.

When an agent who issues and files tariffs under powers of attorney is succeeded by another agent, it becomes necessary to file notice of transfer of such authority and to cancel powers of attorney to the former agent, simultaneously with the filing of new powers of attorney in favor of the new agent.

It has been essential also, under such circumstances, that consolidated forms of concurrence, FX6, FX7, or FX8, in favor of carriers for which the former agent acted, be replaced by new consolidated forms, running to the principals of the new agent. When the same principals that appointed the former agent will be served by the new agent, without change, the consolidated concurrence forms on file naming the former agent need not be reissued, but may be transferred to the new agent by issuing and filing for each of such concurrences a transfer notice stating that the concurrence naming the former agent will thereafter authorize participation in tariff publications filed by the new agent on behalf of the same carriers.

The transfer notice shall be as follows:

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT.

TRANSFER NOTICE TO FX —, No. —.

—, 191—.

TO THE INTERSTATE COMMERCE COMMISSION,  
Washington, D. C.

Effective —, 191—, this company's concurrence, form FX—, No. —, naming [name of former agent] as agent for carriers therein listed, will authorize participation by this company in tariff publications issued and filed on behalf of the same carriers by [name of new agent].

[Name of carrier in full.]

By —, [Sig.]

— [Title.]

This form must be filed with the Commission not later than the date effective provided therein, must be printed or typewritten on paper 8 by 10½ inches in size, and must be signed by proper traffic officer of the issuing company, but shall not bear serial number other than that of the concurrence form to which it applies.

When changes will occur in the list of carriers for which the new agent will act, cancellation of concurrences naming former agent, and issuance of new concurrences naming the new agent, will be necessary as heretofore.

(b) If two or more carriers appoint the same person as agent for the filing of tariffs or classifications and supplements thereto, each of them will be required to file with the Commission power of attorney in form prescribed appointing him their agent; and the concurrence of every other carrier participating in any tariff or classification or supplement thereto which is filed by him must be on file with the Commission or accompany the tariff.

When consolidated form of concurrence FX6, FX7, or FX8 has been used and additions are to be made to the list of roads for which such agent acts under powers of attorney the necessity for a new set of consolidated concurrences presents itself. Trouble and inconvenience can be avoided by the issuance of powers of attorney authorizing such agent to receive

concurrences provided in Rules 23, 24, and 25, and the securing of new concurrences will be comparatively simple.

(c) Such joint agent duly authorized to act for several carriers must file joint tariffs or classifications or exception sheets under I. C. C. serial numbers of his own.

(d) Tariffs issued by a carrier under its I. C. C. numbers may include, under proper concurrences, shown therein, rates via, and to and from points on other carriers' lines and concurring carriers may use such tariffs for posting at their stations. Such tariff must be filed by the issuing carrier and such filing will constitute filing for all lawfully concurring carriers.

(e) The agent or the carrier that issues a joint tariff publication shall at once send copies thereof to each and every carrier that is named as party thereto.

(f) A carrier that grants authority to an agent or to another carrier to publish and file certain of its rates must not in its own publications publish rates that duplicate or conflict with those which are published by such authorized agent or other carrier.

(g) If an agent publishes class rates and does not also publish commodity rates, such agent's class tariff must carry notation that the commodity rates of the carriers parties to the tariff are to be found in their individual issues, and that where so found they take precedence over class rates.

If an agent publishes a part but not all of the commodity rates of the carriers for which he acts, all of his tariffs containing commodity rates must bear notation that commodity rates not shown therein are to be found in the carriers' individual issues, and where so found they take precedence over class rates.

(h) Rates for through shipments are often made by adding together two or more rates. All State or other rates used in combination for interstate shipments must be posted at points from which they apply and filed with the Commission, and can only be changed as to such traffic in accordance with the terms of the Act.

14. (a) The Act requires that all changes in rates, or in rules that affect rates, shall be filed with the Commission at least thirty days before the date upon which they are to become effective. Manifestly it is impossible for the Commission to check the items in tariffs to determine whether or not the statutory notice has been given. The title-page of every tariff or supplement must show full thirty days' notice, or must bear a plain notation of the number and date of the permission, or the Rule, or the decision of the Commission under which it is effective on less than Statutory notice.

(b) The law affirmatively imposes upon each carrier the duty of filing with the Commission all of its tariffs and amendments thereto, as prescribed in the law or in any rule relative thereto which may be announced by the Commission, under penalty for failure so to do, or for using any



rate which is not contained in its lawfully published and filed tariffs. The Commission will give such consistent assistance as it can in this respect, but the fact that receipt of a tariff, or supplement to a tariff, is acknowledged by the Commission, or the fact that a tariff, or supplement to a tariff, is in the files of the Commission will not serve or operate to excuse the carrier from responsibility or liability for any violation of the law, or of any ruling lawfully made thereunder, which may have occurred in connection with the construction or filing of such tariff or supplement.

(c) Thirty days' notice to the public and to the Commission is required as to every publication which it is necessary for a carrier to file with the Commission, regardless of what changes may or may not be effected thereby.

(d) No tariff or supplement will be accepted for filing unless it is delivered to the Commission, free from all charges or claims for postage, the full thirty days required by law before the date upon which such tariff or supplement is stated to be effective. No consideration will be given to or for the time during which a tariff or supplement may be held by an express company for charges or by the Post-Office Department because of insufficient postage. A tariff or a supplement that is received by the Commission too late to give the Commission the full thirty days' notice required by law will be returned to sender, and correction of the neglect or omission can not be made which takes into account any time elapsing between the date upon which such tariff or supplement was received and the date of attempted correction. In other words, when a tariff or a supplement is issued and as to which the Commission is not given the statutory notice it is as if it had not been issued, and full statutory notice must be given of any reissue thereof. No consideration will be given to telegraphic notices in computing the thirty days' notice required. For tariffs and supplements issued on short notice under special permission of the Commission full thirty days' notice is not required, but literal compliance with the requirements for notice named in any permission granted by the Commission will be exacted and in accord with the policy and practice above outlined.

(e) When a schedule is rejected by the Commission as unlawful, the records so show and, therefore, such schedule should not thereafter be referred to as canceled, amended, or otherwise except to note on publication that is issued in lieu of such rejected schedule "In lieu of ——— rejected by Commission;" nor should the number which it bears be again used.

(f) Rates prescribed by the Commission in its decisions and orders after hearings upon formal complaints shall, in every instance, be promulgated by the carriers against which such orders are entered in duly published, filed, and posted tariffs, or supplements to tariffs, and notice shall be sent to the Commission that its order in Case No. — has been complied with

in item —, page — of — tariff, I. C. C. No. —, of supplement — to — tariff, I. C. C. No. —.

In establishing rates or regulations under an order of the Commission in a formal case, carrier or carriers that are actually and on the record parties to the case, or that are lawful parties to a joint tariff in which the rate or regulation that is prescribed is published by some carrier that is party to the case, may include in the change or changes made in compliance with the Commission's order commodity or commodities that are grouped with that or those which are specified in the order; and may also include adjustment at other points in order to preserve established grouping or relation of points, and may also include adjustment of rates to same points on other commodities for the purpose of maintaining established relation of rates between commodities: *Provided*, all such changes made by authority of this Rule shall be effected by *reductions* in rates or charges.

If carrier that is not so party to the case or to the joint tariff desires to make on less than statutory notice the same changes that are made under the order by carrier that is party to the same, it must secure special permission so to do.

Unless otherwise specified in the order in the case such tariff or supplement must be made effective upon statutory notice to the Commission and to the public, and whether made effective on less than statutory notice under special authority granted in the order in the case, or upon statutory notice, shall bear on its title-page notation "In compliance with order of Interstate Commerce Commission in Case No. —."

If the order of the Commission affects any individual item or items in a tariff, above notation shall be shown in connection with said item or items and shall be repeated in each reissue thereof during the period of effectiveness of the Commission's order.

(g) Circulars announcing or explaining the attitude and course of carriers under injunction of a court, relating to tariff rates or regulations, must not be issued as supplements to tariffs nor given I. C. C. numbers unless they are issued on statutory notice or under special permission from the Commission for shorter time. The Commission will, however, be pleased to have copies of such circulars and the information therein contained.

(h) Each carrier files tariffs under I. C. C. numbers, which are presumed to be used consecutively. Occasionally a tariff or supplement is received which does not bear I. C. C. number next in numerical order to that borne by the last one filed. This is sometimes occasioned by the missing number having been assigned to a tariff that is in course of preparation. Request is made that in so far as is possible carriers will file tariffs and supplements in consecutive numerical order of I. C. C. numbers. If from any cause this is not done in any instance, the tariff or supplement that is filed with an I. C. C. number that is not consecutive with the last



number filed must be accompanied by a memorandum explaining as to the missing number or numbers.

(i) Common carriers and agents are directed, in filing schedules in compliance with the statute, to transmit two (2) copies of each tariff, supplement, classification, or other schedule of rates or regulations, for the use of the Commission, both copies to be included in one package and under one letter of transmittal.

Tariffs sent for filing must be addressed "Interstate Commerce Commission, Division of Tariffs, Washington, D. C."

15. (a) Fast freight line billing or instruction books which are, by reference, made part of carrier's tariffs, are in effect tariffs. The following method of publication and filing of such books and of concurring therein may be followed:

The interested carriers may arrange for a carrier of their number to execute power of attorney Form FX1, appointing an agent with authority to issue the billing or instruction book in the name, place, and stead of the carrier giving the power of attorney. The publication must show on its title-page that it is issued by the person designated in the capacity of agent for the carrier that gives him power of attorney.

It will be sufficient for each of the other initial carriers that uses the billing or instruction book in connection with its tariffs to give concurrence in that book, running to the carrier that issues the book, on Form FX2 or FX5; and for all carriers that participate in the publication as intermediate or terminal carriers to each give general concurrence FX3 or FX4 in the tariffs issued by the carrier granting power of attorney, or its agent.

Concurrences Form FX3 will, without modification, include the billing or instruction books issued by a carrier to which such concurrence has been given, or by its agent under power of attorney, but if such publication names or affects rates *from* the stations on line of concurring carrier concurrence FX2, FX4, or FX 5 must be used.

(b) A tariff may contain rates to base points which must be concurred in by intermediate and terminal carriers over the lines of which the rates apply to such base points, and when the issuing carrier is a party under proper form of concurrence or power of attorney in a billing or instruction book, such tariff may provide for the application of rates to points as specified in the billing or instruction book by specific provision in the tariff, and reference to the I. C. C. number of the billing or instruction book. It is not necessary that such tariff should specify names and concurrence forms and numbers of the intermediate and terminal carriers which are shown as participating carriers in the billing or instruction books. The billing or instruction book is made a part of the tariff by specific reference, and the carriers concurring in the billing or instruction book are thereby made lawful participants in the application of the rates named

in the tariff to the points on concurring carrier's line, as authorized in the billing or instruction book.

Amendment to Rule 15, Tariff Circular 18-A. (Adopted April 10, 1911.)  
[Reissue from Supplement No. 1.]

Rules and regulations governing switching, deliveries, lighterage, and other terminal charges, together with provisions for absorption of same, as same are lawfully on file with the Commission, applicable at points reached by terminal carriers lawfully parties to a billing or instruction book authorized by this Rule, may be reproduced in such billing or instruction book, for the information of shippers.

Such reproduction must be in a separate section of the book, and each page of such section must bear in conspicuous form at the top thereof the following notation:

FOR INFORMATION ONLY.

These rules and regulations are reproduced here under Rule 15, of the Interstate Commerce Commission's Tariff Circular No. 18-A, for information only, and in case of conflict between the information here given and the rules and regulations of carriers parties hereto as lawfully on file with the Commission, the tariffs on file with the Commission will take precedence and apply.

The reproduced terminal rules must be stated separately, must show the name or names of the carrier or carriers whose rules they are, and each such entry must bear introductory note as follows:

Reproduction from ——— Tariff I. C. C. No. —, filed with the Interstate Commerce Commission, to take effect ———, 19—.

16. (a) A carrier may grant to a joint agent authority to publish and file for it classification and supplements thereto and exceptions to the classification; or, such exceptions may be published by the carrier in its own issues, either as parts of individual tariffs or in a publication that is given an I. C. C. number, that is filed and posted as required, and that is devoted to such exceptions. (See Rule 3 (e).) Such exceptions and changes therein may be made only on statutory notice or under special permission for shorter time.

In so far as is reasonably practicable exceptions should be included in the tariff which they affect.

A joint agent to whom carriers have extended authority under power of attorney to publish and file classification and supplements thereto must issue them under his own I. C. C. numbers, must show in the classification a list of the carriers for which he acts under power of attorney, giving as to each the FXI number of such authority, and must file the classification and supplements thereto on behalf of all of the carriers that have so authorized him to act for them; and such carriers will not file the classification or supplements thereto for themselves. The provisions of the law as to statutory notice must be observed in the issuance of supplements or reissue of the classification.

In showing the list of participating carriers in supplement the rule prescribed in Rule 9 will be followed.

(b) If a carrier fails to authorize an agent to file the classification for it and undertakes to file it for itself, it is bound by the terms of the law as to notice of change and date of filing, both as to the classification and each supplement thereto.

(c) In giving power of attorney for this purpose the form shown in Rule 18 may be modified by striking out from line 6 the word "tariffs," and, if desired, from line 7 the words "and exception sheets."

If a carrier has given another carrier concurrence FX4, under which it concurs in classification which that other carrier or its agent may make and file, the carrier to which that concurrence is given may exercise the authority by its lawfully appointed agent, and the carrier which gave the authority be shown in the publication as participant under the form and number of its concurrence.

17. (a) It will be permissible for an agent and attorney for certain lines to join with another agent and attorney for lines in another territory in the issuance of tariffs, naming joint through rates from points in one territory to points in the other, or "between" points in the territories represented by such agents. In doing this each of such agents acts for the lines that have given him power of attorney FX1 and for the lines that have given proper concurrences to the carriers that have given him such power of attorney; and for such lines only.

Such publication will bear I. C. C. numbers, under the serial of each of the agents, and each of the agents will file the publication and each and every supplement thereto for and on behalf of the roads for which he is attorney and agent and those that are participants under concurrences to the roads for which he is agent and attorney, just as if it were his individual publication on behalf of those carriers alone. Each of such agents will be held to strict conformity to the law and the tariff regulations regarding the construction of the tariff and notices of changes therein, and in filing the tariff and each and every supplement thereto.

(b) Under this arrangement each agent acts only for the carriers that he has due authority to act for. The principals of each are bound by the acts of their attorney and agent, and as each will file the tariff under his own I. C. C. number and for the roads which he lawfully represents, the cross-exchange of concurrences between all of the different roads represented on the one hand by one agent and on the other hand by the other agent will not be necessary as to that tariff.

(c) Such publication must show lists of participating carriers as follows: First, a list of the carriers from which one of the agents has power of attorney FX1, showing as to each the FX1 number of such authority, and a list of the carriers that participate under concurrences to the lines for which that agent is agent and attorney, showing the form and num-

ber of each concurrence. Second, a list of the carriers for which the other agent is agent and attorney, with the FXI number of his authority as to each, and a list of the carriers that participate under concurrences to the lines for which that agent is agent and attorney, showing the form and number of each concurrence.

Each of these subdivisions of the participating carriers will be indicated by plain headlines, as, for instance, "Carriers for which ——— is agent and attorney, and carriers participating under concurrences to such carriers," and like notice for the other agent's list of principals and concurring carriers.

In order to avoid confusion and complications under this plan, it is essential that the agents adopting it shall perfect their understandings and that there shall be no omission or neglect on part of either about filing under lawful notice any tariff so issued or any supplement thereto.

18. The following form, on paper 8 by 10½ inches in size, will be used in giving authority to an agent to file for the carrier giving the authority tariffs and supplements thereto. Such authority must not be given to an association or bureau, and it may not contain authority to delegate to another power thereby conferred.

This form may be modified so as to confer the authority desired by omitting the words "(1) for it alone, and (2)," or by omitting the words "and (2) for it jointly with other carriers."

If two or more carriers execute this form containing the words "for it jointly with other carriers" in favor of a joint agent it will not be necessary for those carriers to exchange concurrences *with each other* as to the joint tariffs issued by that joint agent under that authority.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

[Date] ———, ———.

Form FXI—No. —

Know all men by these presents:

That the [name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of person appointed] its true and lawful attorney and agent for the said company and in its name, place, and stead (1) for it alone, and (2) for it jointly with other carriers, to file tariffs, classifications, and exception sheets and supplements thereto, as required of common carriers by the Act to regulate commerce and by regulations established by the Interstate Commerce Commission thereunder for the period of time the traffic and the territory now herein named:

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And the said [name of carrier] does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully to all intents and purposes as if the same were done and performed by the said company,



hereby ratifying and confirming all that its said agent and attorney may lawfully do by virtue hereof, and assuming full responsibility for the acts and neglects of its said attorney and agent hereunder.

In witness whereof the said company has caused these presents to be signed in its name by its \_\_\_\_\_ president and to be duly attested under its corporate seal by its secretary, at \_\_\_\_\_, in the State of \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord nineteen hundred and \_\_\_\_\_.

By THE [name of carrier],  
Its \_\_\_\_\_ President.

Attest:  
 \_\_\_\_\_,  
*Secretary.*

[CORPORATE SEAL.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the agent to whom power of attorney is given. Separate authorizations will be given for freight and passenger tariffs.

For concurrence in tariffs issued and filed by another carrier or its agent forms prescribed in Rules 19 to 25, inclusive, will be used.

NOTE.—Experience has demonstrated that it is simpler and better to use concurrence than power of attorney in giving authority to a carrier to publish and file another carrier's rates. Provision for giving power of attorney to another carrier has, therefore, been eliminated except for the purpose of granting authority to give and receive concurrences as provided in Rule 26.

This does not invalidate or change the terms or effect of any power of attorney now on file.

19. The following form will be used in giving concurrence in a tariff that is issued and filed by another carrier or its agent and to which the carrier giving concurrence is a party. If given to continue until revoked, it will serve as continuing concurrence in the tariff described in the concurrence and all supplements to and reissues thereof. If provision for concurrence to continue until revoked is stricken out, a new concurrence will be required with each supplement or reissue.

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,  
 [Date] \_\_\_\_\_, \_\_\_\_.

Form FX2—No. \_\_\_\_.

To the INTERSTATE COMMERCE COMMISSION,  
 Washington, D. C.:

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of the rate schedule described below, together with supplements thereto and reissues thereof which the named issuing carrier or its agents may make and file, and hereby makes itself a party thereto and bound thereby, until this authority is revoked by formal and

official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

Title and number: [Here give exact description of title of schedule, including number and name of series.]

Date of issue: \_\_\_\_\_, \_\_\_\_\_.

Date effective: \_\_\_\_\_, \_\_\_\_\_.

Issued by { [Official.]  
[Company.]

[Name of carrier.]  
By [Name of officer.]  
[Title of officer.]

The original of this form will be filed with the Commission by the carrier or agent who files the tariff and will accompany the tariff.

20. Concurrence may be given by any carrier to embrace all tariffs issued by another carrier or its agent in which the concurring carrier is shown as a participating intermediate or delivering line, after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,  
[Date] \_\_\_\_\_, \_\_\_\_\_.

Form FX<sub>3</sub>—No. —.

To the INTERSTATE COMMERCE COMMISSION,  
*Washington, D. C.:*

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file, in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line and to, but not from, points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]  
By [Name of officer.]  
[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way except to show what agents have been given power of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

21. Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates to or from its points or via its lines, on certain described traffic or between certain described points or territories, after the following form, modified as may be necessary to confer exactly the authority intended to be granted. For granting authority to



## INTERPRETATION OF TARIFFS

publish and file rates to and from and via its lines, and not otherwise qualified, carrier will use concurrence form FX5 or FX7, as per Rules 22 and 24:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX4—No. —.

To the INTERSTATE COMMERCE COMMISSION,  
*Washington, D. C.:*

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying upon ———; or between ——— and ———; or from ——— to ———; or via ———; until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]  
By [Name of officer.]  
[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given.

**22.** Concurrence may be given by a carrier in tariffs issued by another carrier or its agent applying rates to and from its points and via its lines and after the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX5—No. —.

To the INTERSTATE COMMERCE COMMISSION,  
*Washington, D. C.:*

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [name of carrier] or its agent may make and file, and in which this company is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying to and from stations on its lines, and via its lines, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given.

[Name of carrier.]  
By [Name of officer.]  
[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to the carrier to which concurrence is given. This form must not be qualified in any way, unless to show what agents have been given powers of attorney and to provide that tariffs shall not be issued under the concurrence covering traffic provided for in tariffs issued by such agents.

23. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority may be in the following form:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX6—No. —.

To the INTERSTATE COMMERCE COMMISSION,

*Washington, D. C.:*

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to but not from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

24. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FX1, concurrence in tariffs issued by him under such authority may be in the following form:

## INTERPRÉTATION OF TARIFFS

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX7—No. —.

To the INTERSTATE COMMERCE COMMISSION,

*Washington, D. C.:*

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto to which the [here give list of all roads for which the agent has powers of attorney], or either or any of them may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as such schedule contains rates applying via its line, and to and from points thereon, until this authority is revoked by formal and official notices of revocation placed in the hands of the Interstate Commerce Commission and of the carrier to which this concurrence is given, or of its agent and attorney herein named.

[Name of carrier.]

By [Name of officer.]

[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

25. If two or more carriers appoint the same person as agent for the publication and filing of tariffs and supplements thereto under powers of attorney form FXI, concurrence in tariffs issued by him under such authority applying to or from certain points or territory may be issued in the following form, modified as may be necessary to confer exactly the authority intended to be granted:

TO BE FILED WITH THE INTERSTATE COMMERCE COMMISSION.

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Form FX8—No. —.

To the INTERSTATE COMMERCE COMMISSION,

*Washington, D. C.:*

This is to certify that the [name of carrier] assents to and concurs in the publication and filing of any freight-rate schedule or supplement thereto to which the [here give list of all roads for which the agent has powers of attorney], or either or any of them, may make and file through their agent and attorney [name of agent], and in which it is shown as a participating carrier, and hereby makes itself a party to and bound thereby in so far as

such schedule contains rates applying upon ———; or between ——— and ———; or from ——— to ———; or from ——— to points on or reached via its line; or from points on or via its line to ——— until this authority is revoked by formal and official notice of revocation placed in the hands of the Interstate Commerce Commission and of the carriers to which this concurrence is given, or of their agent and attorney herein named.

[Name of carrier.]  
By [Name of officer.]  
[Title of officer.]

Carrier issuing this form will file the original with the Commission and will furnish duplicate to each of the carriers named in the concurrence, or, if each of those carriers has given said agent power of attorney to receive for it concurrences, original will be filed with the Commission and one duplicate may be filed with such agent instead of furnishing duplicates to each and every carrier represented by him.

NOTE.—Concurrence, form FX2, applies to individual publication named therein. Concurrence, form FX3 or FX6, confers authority to publish and file rates to, but not from, points on line of concurring carrier, and via its lines. Concurrence, form FX5 or FX7, confers authority to publish and file rates to and from points on line of concurring carrier, and via its lines. Forms FX3, FX5, FX6, and FX7 are not to be modified except as specified in the Rules. The use of these several forms as provided will, therefore, show by the form number just what authority has been given, except when form FX4 or FX8 is used, these forms being provided for instances which the other forms do not exactly fit. The Commission does not require the substitution of concurrence form FX5 for form FX4, now on file, which covers only the authority provided for in the new form FX5, but will welcome such substitution. For all new concurrences forms will be used as specified in the several Rules, and FX4 or FX8 only when neither of the other forms provides for the authority it is desired to confer.

26. (a) Each carrier will give authorizations and concurrences serial numbers, beginning with No. 1 in each series, as indicated by forms, and continuing in consecutive numbers as to each series, and keeping these numbers separate and apart from the I. C. C. numbers of tariffs. (See paragraph (f) of this Rule.) Concurrences must be given to carriers named therein and authority so granted to a carrier may be by it delegated to its lawfully appointed agent.

Separate concurrences will be given for freight and passenger tariffs.

(b) A concurrence may be revoked by filing notice of such revocation with the Commission and serving same upon the carrier to which such concurrence was given. Such notice must specify the date upon which revocation is to be made effective and must give at least sixty days' notice to the Commission and to the carrier to which concurrence was given. Corresponding revision of tariff or tariffs shall be made in the next supplement to or reissue thereof, and if necessary, supplement or reissue shall be made for the sole purpose of making such change lawfully effective on statutory notice upon the effective date stated in the notice of revocation.

Change in a tariff is effective when and only when the tariff as filed and posted is changed. Change effected by revocation of concurrence can not be known to the public or to the agents of carriers until it appears in the regular way in the tariff. A carrier that has duly revoked a concurrence as herein provided has the right to be free from the unsatisfactory rate or regulation on the date upon which revocation becomes effective. The public has the right to use the rates shown in a lawfully filed and published tariff. The Rule provides ample time within which to change a tariff. If, therefore, when a concurrence is revoked, the carrier that publishes the tariff neglects to make change therein as provided in this Rule, shippers are entitled to have shipments moved as provided in the tariff, and the carrier that so neglects to correct its tariff will be held liable to other carriers for the difference in charges under the tariff as it is and as it would be if it had been corrected in accordance with revocation of concurrence. If the tariff is published by a joint agent, the provisions hereof will apply to each of his principals, as traffic is tendered to them as initial carriers.

(c) Subsidiary or small lines which do not wish to issue concurrences or tariffs may give to the parent or other line power of attorney to concur in tariffs, and also general concurrence FX4 or FX5, to file tariffs, and the carrier holding such authority and concurrence may give, and also receive, concurrences for itself and the lines for which it acts in one instrument. Such subsidiary or small lines must, however, be named in concurrences so given. In giving power of attorney to concur in tariffs, form FX1 will be modified by striking out from line six the word "file" and substituting the following therefor: "to give and receive concurrences in."

(d) In giving concurrences care must be taken to avoid probability of two or more agents or carriers naming conflicting rates or rules.

(e) The granting of authority to issue tariffs under power of attorney, or concurrence, does not relieve the carrier conferring the authority from the necessity of complying with the law with regard to posting tariffs. It is proper to use tariffs issued under its authority for that purpose.

(f) All powers of attorney and certificates of concurrence must be printed or typewritten on hard calendered paper 8 by 10½ inches in size.

The series to which each power of attorney or certificate of concurrence belongs must be indicated, and the serial number of each must be shown, in upper right hand corner of first page. Immediately under the serial number shall be shown the number, or numbers, of powers of attorneys or certificates of concurrence, as the case may be, to be canceled.

Each power of attorney or certificate of concurrence filed must show the post-office address of the issuing officer in the date line preceding body of form.



When a series of joint concurrences, issued on behalf of two or more carriers by the same traffic officer, is maintained, each concurrence filed in that series must be issued on behalf of all the carriers for whom the common traffic officer acts. Otherwise separate files of concurrences must be maintained, one for each road, certificates in each series of such individual files to be filed in consecutive numerical order as required by paragraph (a) of this Rule.

27. All tariffs that are filed with the Commission shall be accompanied by a letter of transmittal, on paper 8 by 10½ inches in size, and to the following effect:

[Name of carrier in full.]

GENERAL FREIGHT DEPARTMENT,

[Date] ———, ———.

Advice No. ———.

To the INTERSTATE COMMERCE COMMISSION,  
Washington, D. C.:

Accompanying schedule is sent you for filing, in compliance with the requirements of the Act to regulate commerce, issued by ———, and bearing

I. C. C. No. —.

Supp. No. —, to I. C. C. No. —.

Effective ———, 19—;

and it is concurred in by all carriers named therein as participants, under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following-named carriers, whose concurrences are attached hereto:

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[Signature of filing agent.]

A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can conveniently be entered.

NOTE.—If receipt for accompanying schedule is desired, the letter of transmittal must be sent in duplicate, and one copy will be stamped and returned as receipt.

*It should be here noted that Rulings 28 to 53, also Rulings 62, 69 and 73, which refer exclusively to Passenger Fare Schedules have been omitted.*

54. CHANGES IN RATES OR FARES (issued March 18, 1907).—Section 6 of the Act as amended June 18, 1910, provides that—

No change shall be made in the rates, fares, and charges, or joint rates, fares, and charges, which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in



the schedule *then in force* and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by *printing new schedules*, or shall be plainly indicated *upon the schedules* in force at the time and kept open to public inspection.

(a) (Adopted February 8, 1909.) This provision plainly refers to rates and fares which have already become effective, and also applies the term "proposed changes" to rates and fares which have not become effective. It follows that after notice of a change in rates or fares has been filed and published the new rates or fares must be allowed to go into effect, and can not be withdrawn, canceled, or superseded except upon notice filed and published for at least thirty days after the date when the rates or fares have become effective. A tariff may provide that it will expire upon a date specified therein and which is at least thirty days subsequent to the date upon which it becomes effective, or a tariff may contain a notation that certain rates or fares therein stated will expire upon a date therein specified which is at least thirty days subsequent to the date on which such rates or fares become legally effective, and this will be legal notice of the cancellation or withdrawal of such tariff or of such rates or fares. Any tariff may be changed upon statutory notice of thirty days, or, under special permission from the Commission, upon shorter notice. Therefore a provision in a tariff that the tariff or any part of it will expire upon a given date is not a guaranty that the tariff, or such part of it, will remain effective until that date. Such provision must be understood to mean that the tariff, or specified part of it, will expire upon the date named unless sooner canceled, changed, or extended in lawful way.

(b) (Issued March 18, 1907.) Carriers must comply fully with the requirements of the law respecting the filing, publication, and taking effect of proposed rates and fares, unless upon application and for good cause shown the Commission, in the exercise of authority conferred upon it, shall allow rates or fares to be changed or withdrawn upon less than thirty days' notice, or by formal order otherwise modify such requirements. No regulation or rule of the Commission is authority to change rates or issue tariffs on less than statutory notice unless so specifically provided in the rule or regulation.

**55. JOINT RATE OR FARE GREATER OR LESS THAN SUM OF INTERMEDIATE RATES OR FARES** (issued September 15, 1906).—Two or more connecting carriers may establish a joint rate or fare only upon notice of thirty days or under special permission. A joint rate or fare when duly established and in force becomes the only lawful rate or fare for through transportation.

A through rate or fare from point of origin to destination of a shipment or passenger is the lawful rate or fare applicable to that movement, whether the rate or fare be confined to the line of one carrier or be a joint

rate or fare applying over the lines of two or more carriers. (See Rules 5 and 36.)

**56. REDUCTION OF RATE OR FARE TO EQUAL SUM OF INTERMEDIATE RATES OR FARES** (adopted February 13, 1911.)—(a) Where a rate or fare is in effect by a given route between any points which is higher than the sum of the intermediate rates or fares between the same points, by the same or another route, and such rate or fare has been in effect thirty days or longer, such higher rate or fare may, until further notice from the Commission, be changed by *reducing the same to the sum of such intermediate rates or fares, but not otherwise*, upon posting and filing with the Commission one day in advance *a supplement to or a reissue of the tariff in which the rate or fare so reduced appears*, which supplement or reissue shall show the reduced rate or fare; shall bear notation that it is effective on less than statutory notice "by authority of Rule 56 of Tariff Circular 18-A;" shall show on title-page, or in connection with such item, by identifying references and I. C. C. numbers, the tariffs that contain the factors which make up the new rate or fare; except that, if the rate so reduced is contained in a strictly class rate tariff, the reduced rate will be published in a new commodity tariff or in a supplement to or reissue of a tariff which contains commodity rates and in which all carriers whose lines make up the route over which the rate applies have concurred, and and which is issued by the same carrier or agent that issued the tariff which contained the rate so reduced. Such tariff, supplement, or reissue must bear on its title-page, or in connection with such item, the notation: "Issued under authority of Rule 56, Interstate Commerce Commission Tariff Circular 18-A. The rate (or rates) hereby reduced appears in ——— Tariff, I. C. C. No. ———, item (or page) —, and the factors from which the new rate herein shown as equaling the sum of the intermediate rates are found in ——— Tariff, I. C. C. No. ———, item (or page) —, and ——— Tariff, I. C. C. No. ———, item (or page) —."

Except when a new commodity rate is established to supersede a higher class rate this Rule limits the authority to change rates or fares thereunder to changes that are announced in supplements to or reissues of the tariffs in which the rates or fares so reduced appear, and each such supplement or reissue shall show specifically on its title-page the authority under which it is made effective on less than statutory notice and definite and distinct reference to the factors which are used to make up the reduced rate or fare.

(b) Many informal complaints are received in connection with regularly established through rates or fares which are in excess of the sum of the intermediate rates or fares between the same points. The Commission has no authority to change or fix a rate or fare except after full hearing. It is believed to be proper for the Commission to say that if called upon to formally pass upon a case of this nature it would be its policy to con-

sider the through rate or fare which is higher than the sum of the intermediate rates or fares between the same points as *prima facie* unreasonable and that the burden of proof would be upon the carrier to defend such higher through rate or fare.

NOTE.—Attention is called to the fact that section 4 of the Act, as amended, prohibits a through rate or fare that exceeds the sum of the intermediate rates or fares that are subject to the Act. The term "intermediate rates" as used in said section is interpreted to mean the straight-away or direct-haul rates or fares, and not to include any back-haul charge.

57. NEW ROADS.—On newly constructed lines of road, including branches and extensions of existing roads, local rates and fares, and also joint rates and fares, may be established in the first instance to and from points on such new lines by posting tariffs of such rates or fares issued by the carrier owning or operating such newly constructed lines or by joint agent acting for it under power of attorney FXI or PXI, and filing the same with the Commission one day in advance. Such tariff must bear notation that it applies to or from points on newly constructed lines to or from which no rates or fares from same points of origin or to same points of destination have applied, and give reference to this rule. Tariffs or supplements to tariffs issued by other carriers establishing rates to or from or via such newly constructed line may be issued only upon statutory notice or special permission for shorter time. It will be the Commission's policy to grant such reasonable permissions as are necessary to give carriers and shippers fullest efficiency of such new lines.

58. REQUESTS FOR PERMISSION TO AMEND TARIFFS ON LESS THAN STATUTORY NOTICE (issued November 16, 1906).—(a) The Act authorizes the Commission, in its discretion and for good cause shown, to permit changes in tariff rates or fares on less than the statutory notice. It is believed that this authority should be exercised only in instances where special or peculiar circumstances or conditions fully justify it. Confusion and complication must follow indiscriminate exercise of this authority. Applications for permission to change tariffs on less than statutory notice shall be addressed to the Interstate Commerce Commission, and in the following form on paper 8 by 10½ inches. Such applications must be over signature of the president, vice president, general traffic manager, assistant general traffic manager, general freight agent, general passenger agent, or a duly authorized attorney and agent, specifying title.

\_\_\_\_\_  
[Name of carrier.]

\_\_\_\_\_, 190—.   
[Place and date.]

To the INTERSTATE COMMERCE COMMISSION,  
Washington, D. C.:

The \_\_\_\_\_, by \_\_\_\_\_, its \_\_\_\_\_, does hereby respectfully petition the Interstate Commerce Commission that it be permitted, under Section 6 of the Act to regulate commerce as amended June 18,

[Name of carrier.] [Name of officer.] [Title of officer.]

1910, to put in force the following rates (or fares) to become effective \_\_\_\_\_ days after the filing thereof with the Interstate Commerce Commission:

[State fully the rates (or fares) which it is desired to put into effect, the articles upon which they are to apply, and the points of origin and destination.]

Your petitioner further represents that the said rates (or fares) above mentioned will be published in Supp. No. \_\_\_\_\_ to Tariff I. C. C. No. \_\_\_\_\_, and will supersede and take the place of the rates (or fares) on like traffic from and to the points above named which are set forth in Tariff I. C. C. No. \_\_\_\_\_ (or supplement) on file with the Commission.

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

[State fully all the circumstances and conditions which are relied upon as justifying the application, and if based upon rates (or fares) in effect via other lines, special reference shall be given to the I. C. C. numbers of the tariffs of such other line or lines.]

\_\_\_\_\_  
[Name of carrier.]

By \_\_\_\_\_  
[Name and title of officer.]

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19—.

\_\_\_\_\_  
*Notary Public.*

The Commission requests that as far as possible these applications be sent by mail and not by telegraph. Action will be taken only on receipt of the verified application.

(b) (Issued September 29, 1906.) Desire to meet the rates or fares of a competing road or line which has given the full statutory notice of change in rates or fares will not of itself be regarded as good cause for allowing changes in rates or fares on a notice of less than thirty days.

(c) (Issued March 18, 1907.) A request from one carrier, party to a joint tariff, for permission to amend such tariff on less than statutory notice necessarily raises some question of doubt as to the wishes or concurrence of other interested carriers also parties to the tariff. It is desirable and proper that any such permission given by the Commission should affect alike all parties to the tariff that is to be amended under it. The Commission therefore decides:

That when a carrier gives an agent authority to file tariff or tariffs and supplements thereto in its name, place, and stead, or concurrence in tariff or tariffs and supplements thereto which another carrier or its agent may file thereunder, the agent or carrier to whom such authority or concurrence is given has, under the terms of the authority or concurrence, the power and the right to request, in the name and on behalf



of the carriers participating in such tariff or tariffs, permission to amend same on less than statutory notice.

Such requests as to joint tariffs must be made by the agent or the carrier that is authorized to file the tariff and in making them form same as that prescribed for use of individual carrier shall be used, except that the request must state that it is made in the name and on behalf of all carriers that are parties to the tariff, and that formal authority to file the tariff, or formal concurrence in the tariff, is on file with the Commission from each of such carriers.

(d) Request will be signed and verified by the agent or officer who makes it, and every carrier that has, by formal authority or concurrence, made itself a party to such tariff will be held bound by the act of its agent under such authority or by its concurrence. This Rule will, in so far as it is possible, be applied to tariffs now on file, and will be effective in all cases as to freight tariffs from and after May 1, 1907, and as to passenger tariffs from and after June 1, 1907.

(e) This authority will be exercised only in cases where actual emergency and real merit are shown. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the omissions or mistakes together with a full statement of the circumstances attending such omission or error and be presented with reasonable promptness after issuance of the defective tariff.

59. EQUALIZING RULES OR TARIFFS (issued March 18, 1907).—In the not distant past many carriers issued circulars or tariff rules which in effect and substance stated that that carrier would meet any rate or fare made by a competitor or share in any through rate or fare made by a connecting carrier for the purpose of meeting or protecting any rate or fare via another route or gateway. Those rules plainly intended and contemplated that rates or fares which were not found in that carrier's tariffs should be applied to traffic moving over its lines.

The law makes it clear that no carrier can lawfully apply to transportation over its lines any rate, fare, or charge that is not plainly stated in its own tariffs at that time, and that all such rules as are now referred to and all practices under such rules are unlawful.

60. FREE TRANSPORTATION OF PASSENGERS IN CONNECTION WITH SHIPMENTS OF PROPERTY (issued November 6, 1906).—Section 1 of the Act provides that free transportation may be furnished "to necessary caretakers of live stock, poultry, milk, and fruit." This provision in the statute is construed to mean necessary caretakers of live stock, poultry, milk or fruit that is loaded and ready for movement, or the movement of which is actually contracted for or that is actually in transit, and may include free or reduced-fare transportation for the return of such necessary caretakers. This transportation may be in the form of free pass or

reduced-fare transportation, but in any event it must be the same for all under like circumstances and must be published in the tariff governing transportation of the commodity. Tariff may provide that caretaker sent out to return with shipment that is arranged for or that is in transit will be required to pay fare going and that such fare will be refunded if person so sent does return as actual caretaker of shipment for which he is sent. But a tariff rule which provides that if a person goes out over the line with the intention of purchasing live stock and returns within a certain time with a certain number of cars of live stock, the carrier will refund to him the fare paid on outgoing trip is improper and unlawful.

The Commission is of the opinion that the term "fruit" in this connection includes perishable vegetables, and that bees in hives and live fish may be included in the term "live stock," when shipped under conditions that render caretakers "necessary."

(Adopted May 10, 1909.) When an express company provides in its tariff for free transportation for caretakers in charge of live stock, poultry, milk, or fruit, and the railroad company over whose lines such express company operates provides in its tariff that such caretakers may be permitted to ride in passenger car, the tariff of the express company and that of the railroad company must give reference to each other.

**61. REDUCED RATES OR FARES FOR GOVERNMENT.**—(Adopted December 7, 1909.) Rule 61 was canceled effective December 31, 1909. (See Rules 33 and 36, Conference Rulings Bulletin No. 4.) Existing tariffs must be amended accordingly.

**63. TRANSPORTATION OF CIRCUS OUTFITS** (issued March 18, 1907).—The act to regulate commerce, as amended June 29, 1906, applies to the transportation of circuses and other show outfits, but the Commission recognizes the peculiar nature of this traffic and the difficulty of establishing rates thereon in advance of shippers' request describing the character and volume of the traffic offered, and has therefore entered a general order authorizing carriers to establish rates on circuses and other show outfits by tariff, to become effective one day after filing thereof with the Commission, and relieving them from the duty of posting such tariffs in their stations. Such tariff may consist of a proper title-page reading "as per copy of contract attached," and to it may be attached a copy of the contract under which the circus is moved. As far as practicable general rules or regulations governing the fixing of such rates should be regularly published and filed.

**64. MAXIMUM RATES AND FARES NOT SPECIFIC RATES AND FARES** (issued March 18, 1907).—Rule 4 and Rule 34 prohibit including in a tariff any rule or regulation which in any way or in any terms authorizes substituting for any rate or fare named in the tariff a rate or fare found in any other tariff or made up on any combination or plan other than that clearly stated in specific terms in the tariff of which the rule or regulation is a



part. These rules are intended to bring about entire discontinuance of tariff rules which provide that rates or fares named in tariff will apply to certain points "as maxima," or that if a combination on some gateway or basing point makes less than the rates or fares named in tariff such combination will apply, or for equalizing or protecting any rate or fare via another line or route or gateway, etc. The intent is that tariffs shall state in specific, clear, and unambiguous terms the rates and fares and their application. (See Rule 5 (b) and Rule 36.)

(Issued January 7, 1908.) Paragraph (d) of Rule 4, and paragraph (c) of Rule 34, provide that a tariff shall contain complete alphabetical indexes of the points from and to which it applies. This is not to be understood as prohibiting the incorporation in a tariff of a rule providing for the affirmative and definite application of the class rates or the fares named in that tariff to or from points *not indexed* therein and which are directly intermediate on the same line with more distant points that are indexed.

Tariffs may provide for the affirmative and definite application of commodity rates by the incorporation therein of a rule substantially as follows:

From any point of origin or to any point of destination from or to which a rate on a specific commodity is not named in this tariff, located on the same line between any two points of origin or destination from or to which rates are named on the same commodity, the rate on such commodity from or to such intermediate point will be the same as the rate from or to the next more distant point from or to which a rate is named herein; provided no specific rate on the same commodity from the same point of origin to the same point of destination is published in some other tariff.

(Issued March 18, 1907.) In every instance where there is a *specific* rate or fare from point of origin to point of destination it must be applied to through shipments or passengers regardless of possible lower combinations. (See Rules 5, 36, and 55.)

**65. CLASSIFICATION OF HIGH EXPLOSIVES** (issued May 29, 1907).—Some freight classifications provide that high explosives will be "taken only by special agreement." Carriers are prohibited from carrying any traffic except under tariffs provided in the manner prescribed by law. It follows, therefore, that no traffic or transportation can be the subject of special agreement between carrier and shipper except as provided in section 22 of the Act. If it is impracticable to classify high explosives in the classification the statement must not be, "taken only by special agreement," but must be, "subject to regulations and rates in tariffs of the individual carrier;" and each carrier must provide in its tariffs the rates and regulations applicable to such traffic. (See Rule 4 (h).)

**66. MINIMUM CARLOADS.**—(a) Where a rate for carload shipment is relatively lower than less-than-carload rate the reasonableness of a minimum carload weight to which carload rate will apply is recognized, as is

also the desirability of highest efficiency both in the movement and the loading of cars.

Carriers provide cars of varying dimensions and capacities, and they provide minimum weights for the several kinds of cars based upon those dimensions and capacities. At times when transportation facilities are inadequate to supply the demand upon them it is frequently difficult or impossible for the carrier to furnish a shipper with a car of the dimensions or capacity desired by him, although the carrier has in its tariffs provisions for the use of such car. Manifestly it is not equitable or proper to require the would-be shipper to pay additional transportation charges for the privilege of using a car of different dimensions or capacity from that which would suit his shipment or forego entirely his desire to ship.

Some carriers provide elastic rules which properly permit the use of cars of different dimensions or capacities when they are furnished by the carrier in lieu of those desired or ordered by the shipper. Other carriers do not so provide, and as a result many instances arise in which the initial carrier under such provision furnishes the shipper with cars at its convenience and connecting carriers that have not adopted similar provisions assess higher charges in accordance with their tariffs, thus imposing upon the shipper a wholly unexpected, and, in the view of the Commission, unreasonable, charge.

(Adopted December 7, 1909.) The Commission believes it to be the duty of every carrier to incorporate in its tariff regulations a rule to the effect that when carrier can not promptly furnish car of capacity or dimensions desired by the shipper, and for its own convenience does provide a car of greater capacity or dimensions than that ordered, such car may be used on the basis of the minimum carload fixed in the tariffs for cars of the dimensions or capacity ordered by the shipper *provided the shipment could have been loaded into or upon car of the capacity or size ordered*; and that if a car of smaller capacity than that ordered by the shipper is furnished, it may be used on the basis of actual weight when loaded to its full visible capacity, or that that portion of the shipment which can not be loaded into the smaller car will be taken in another car and the shipment treated as a whole on the basis of the minimum fixed for the car ordered by the shipper; and that if the carrier is unable to furnish a car of large dimensions, ordered by shipper, it may furnish two smaller cars which may be used on the basis of the minimum fixed for the car ordered; it being understood that shipper may not order a car of dimensions or capacity for which a minimum is not provided in the carrier's tariffs.

In all such cases the capacity of the car ordered, the date of such order, the number, initials, and capacity of the car furnished should be stated on the bill of lading and the carrier's waybill.

In case of controversy between shippers and carriers caused by absence of such rule from tariffs which provide graduated minima for cars of different sizes the Commission will regard such tariffs as *prima facie* unreasonable.

It is the duty of carriers to provide reasonable facilities for transportation, and if they can not furnish equipment to move the carloads provided for in their regulations it is clearly their duty to provide some other method of transporting as one shipment, and at the rate named therefor, such carload weight when tendered by shipper.

(b) (Adopted May 12, 1908.) The minimum weight upon which carload rate is based is a part of the rate, because the charges on the shipment are determined by such minimum weight. The publication, posting, and filing of the rate and of the minimum weight are therefore equally necessary, and it is also equally necessary that both be observed.

Where two or more carriers publish a joint through rate they must publish in connection therewith one carload minimum weight for the through movement under that rate. This ruling is not to be understood, however, as condemning the publication in joint tariffs and the use of through rates made up in combination on a specific base point and providing one minimum weight in connection with the specified portion of the rate up to the base point and a different minimum weight in connection with the specified portion of the rate beyond the base point.

Carriers' mechanical departments have rules against loading to its full capacity a new car on its first trip. This rule is understood to generally provide that such car shall not on its first trip be loaded to more than 75 per cent of its capacity. The Commission is requested to pass upon the question of conflict between the tariff minimum and the mechanical department's rule.

All new cars are now of much greater capacity than those of a few years ago, and carload minima have also been increased. The number of commodities that are shipped in closed cars and that ordinarily are loaded to the full capacity of the car are comparatively few. Except in times of actual car shortage there would seem to be but little difficulty in selecting for such new cars loading that would bring no conflict between the tariff and the mechanical department's rule. The tariff rule is the one which the carrier is by law obligated to observe and maintain. It is not possible to authorize setting aside the tariff requirement without creating or making possible discriminations. There is no objection to incorporating in the tariff a rule that the minimum weight applicable to a new car on its first loading shall be a certain percentage of its capacity or of the minimum fixed in the tariff. We adhere to the view that the rule governing minimum weight shall be contained in a lawful tariff and that it must be applied and observed.

**67. MOVEMENT OF SHIPMENTS REFUSED BY CONSIGNEES OR DAMAGED IN TRANSIT** (issued June 3, 1907).—(a) In one form or another many carriers provide for the return free or at reduced rates, or the reconsignment under through rate from point of origin, of shipments that are damaged in transit or are refused by consignees. In answer to request for ruling the Commission expresses the opinion that in a nondiscriminatory way and within reasonable limits such rule is not unlawful or improper. Care should be taken to preserve the distinction between shipments in which the carrier has no interest except the collection of the transportation charges and which are reconsigned or returned purely out of consideration for the interests of the owner of the shipment, and shipments which, because of injury or damage in transit, are left on the carrier's hands and in which it has an interest to the extent of the transportation charges and the value of the shipment.

(Adopted November 9, 1908.) A rule providing that shipments which are refused by consignee may be reconsigned and forwarded, under application of through rate from point of origin to final destination, either with or without the exaction of a reconsignment charge, is permissible. Where tariff provides for return of shipments at reduced rates the tariff rule must be strictly complied with. Such tariff rule should provide that waybill covering return movement and shipping receipt must show reference to original outbound shipment and waybill.

(b) (Adopted June 14, 1909.) A rule providing for the reconsignment or return free or at reduced rates of articles damaged in transit is not improper if it is so framed and applied as to prevent abuses or improper practices under it. The practice of returning at reduced rates articles that have been delivered into the possession of consignees and have become shopworn or have gotten into a state of disrepair through use is neither proper nor free from unjust discrimination. A rule according reduced rates on return shipments is proper only in so far as it applies to the return of shipments that are received by the consignee in bad order or are refused by consignee without examination. As to shipments that are not in closed packages and thus are open to immediate inspection, the rule should provide that in order to secure reduced rates on return movement the goods shall not have left the possession of the carrier before such claim is made. As to goods that are in closed packages, the rule should provide that in order to secure reduced rates on return movement such goods must be returned to the carrier within ten days.

(c) (Issued June 3, 1907.) Such rules must be in tariffs and must be applied without discrimination and should provide that rule for return of shipments applies only via the route and line over which the shipment moved. Uniformity among carriers in rules and practices in such matters as these is desirable and contributes to thorough understandings and harmony between carriers and shippers.



(d) Where a shipment is refused and is left on the hands of the carrier, it is believed that the carrier, when it recognizes its responsibility for the value of the shipment and the transportation charges on same, may haul it for itself to such point on its own lines as offers the best opportunities or facilities for disposing of it to advantage, just as it may haul property of its own.

**68. RESPONSIBILITIES OF CARRIERS UNDER TARIFFS** (issued November 15, 1907).—(a) Prior to May 1, 1907, the date upon which the Commission's freight tariff rules became effective, no uniform or definite practice or rule was followed by carriers in regard to concurrence in joint tariffs. The plan most generally followed was for each carrier to file with the Commission a statement that it thereby concurred in any tariff, issued by any carrier, and in which it was shown as a participant, except when it gave to the Commission specific notice of nonconcurrence in particular issues. Some carriers, however, did not file such a declaration, but accepted traffic and settlements under joint tariffs in which they were shown as participants, although no concurrence therein had ever been given.

The general, if not universal, understanding and practice was that every carrier had a right to issue tariffs containing joint through rates or fares over the lines of other carriers named therein as participants, to note therein that the carriers named as participants would certify their concurrence to the Interstate Commerce Commission, and for all to use such tariffs except in cases where carriers specifically certified to the Commission their nonconcurrence in certain publications.

To now undertake to check out and follow down definite and actual concurrence or carriers in tariffs issued prior to May 1, 1907, would be a hopeless task; and to declare unlawful all tariffs, and participation therein, which were not so definitely and actually concurred in, other than by use thereof, would be to overthrow practically all such joint tariffs and leave transportation in chaos.

Some carriers have sought to evade liabilities under such joint tariffs on the plea that they never concurred therein, although in each instance so far brought to notice such carrier is shown to have accepted traffic and collected charges thereon in accordance with such tariff up to, and in some instances subsequent to, date of filing notice of nonconcurrence.

(b) Such complications are impossible as to tariffs issued subsequent to May 1, 1907, if the Commission's tariff regulations are observed. The Commission can not undertake to now excuse carriers from responsibilities placed upon them by tariffs that were issued prior to May 1, 1907, and in which they are named as participants in conformity with customs that were followed so generally and for so long a time as to render them binding upon those who did not give notice of nonconcurrence, except in accordance with and subsequent to filing of specific notices of nonconcurrence.

The Commission's tariff regulations require that the carrier or joint agent that issues a joint tariff shall, before issuing same, have secured the definite and affirmative concurrence of every carrier shown therein as a participant, and shall show in connection with the name of each participating carrier the form and number of the instrument by authority of which that carrier is made a party to the tariff.

(c) A carrier has no means of preventing another carrier from naming it as a party to a joint tariff without proper authority so to do, or of preventing another carrier from exceeding the authority conferred by a limited concurrence. It can not, however, be bound by such unauthorized act and it is its obvious duty to refuse to recognize or apply any such unlawful issue. It should also at once call the attention of the Commission and of the one that issued the tariff to such erroneous action.

(d) If one or more carriers are, without proper authority, so shown as participating in any tariff and other carriers are lawfully shown as parties thereto, the use of the publication is unlawful as to the carriers that are named as parties thereto without proper authority and lawful as to those that are parties to it under proper authority. The carrier over whose line shipments or passengers are sent under a joint tariff is bound by the terms of that tariff if it has lawfully concurred therein, and, if it has not lawfully concurred therein, may not accept earnings in accordance therewith, but must demand for the service performed its lawful earnings according to its lawful tariffs.

(e) Responsibility and liability for the unlawful incorporation of any carrier in a tariff, or for exceeding the authority conferred by a limited concurrence, will rest wholly upon the carrier that issued the tariff; or, if a tariff is issued by a joint agent and attorney for two or more carriers, will rest upon each of his principals that accepts and forwards the business under that tariff. Such responsibility and liability will be measured by the difference between the charges under the tariff as it is published, filed, and posted, and as it would have been if no carrier had been improperly named as party thereto, or if the authority conferred by the concurrence of a participating carrier had not been exceeded.

(f) In passing upon a complaint of overcharge, or demand for payment of undercharge, growing out of improper or unlawful inclusion of any carrier in the list of participating carriers, or of exceeding the authority conferred by a limited concurrence, in the tariff under which the business was accepted and forwarded, the Commission will apply the principles above stated.

(f) In passing upon a complaint of overcharge, or demand for payment of undercharge, growing out of improper or unlawful inclusion of any carrier's name in the list of participating carriers, or of exceeding the authority conferred by a limited concurrence, in the tariff under which



the business was accepted and forwarded, the Commission will apply the principles above stated.

(g) By its Special Order No. 3 of March 2, 1909, the Commission required that all freight tariffs which were on file prior to May 1, 1907, and as to which specific participation and concurrences were not shown as required by the Commission's tariff regulations, should, on or before June 1, 1909, be canceled or be supplemented so as to show specific participation and lawful concurrence of every carrier that uses or participates in such tariff subsequently to June 1, 1909. It declared that the use of such tariffs as to which the terms of the Special Order had not been complied with on or before June 1, 1909, would, after June 1, 1909, be unlawful and that prosecution will follow such use.

The Commission's ruling of June 14, 1909, adding to above ruling the following, is hereby *rescinded*:

If, however, such a tariff not having been canceled is hereafter supplemented on statutory notice to show the list of participating carriers and their lawful concurrences therein, such tariff may, subsequent to the lawfully effective date of such supplement, be lawfully used by the carriers so shown as participating and concurring therein.

**70. WITHDRAWAL OF FILED TARIFFS NOT PERMITTED.**—Not infrequently the Commission is requested to return to carriers tariff publications which have been received and filed by the Commission in the ordinary course of business. Such requests are usually based on the desire to substitute some corrected or changed publication for the one that has been filed. Manifestly it would be improper for the Commission to permit such substitutions or to surrender any tariff publication duly and properly received and filed by it, unless such surrender is caused by rejection of such publication by the Commission because of illegality or irregularity in connection therewith. To surrender publications duly filed and permit the substitution of others would involve a species of falsification of the records which could not be permitted.

**71. OCEAN CARRIERS—EXPORT AND IMPORT TARIFFS.**—Ocean carriers between ports of the United States and foreign countries *not adjacent* are not subject to the terms of the Act to regulate commerce; nor to the jurisdiction of the Commission.

(a) The inland carriers of traffic exported to or imported from a foreign country not adjacent must publish their rates and fares to the ports and from the ports, and such rates or fares must be the same for all, regardless of what ocean carrier may be designated by the shipper or passenger.

In order to avoid controversies and questions, tariffs hereafter issued containing rates applicable to export or import traffic shall specify by inclusion or exclusion the countries to or from which shipments to which

such rates are applicable shall move, whether such countries are, or are not, adjacent to the United States.

In the interest of clearness the tariffs should also specify whether or not shipments to or from Cuba, the Philippine Islands, Porto Rico or the Canal Zone are included. For convenience, and with out regard to the political status and relation of the Philippines, Porto Rico and the Canal Zone to the United States, they, together with Cuba, are for these purposes to be classed with foreign countries.

(b) As a matter of convenience to the public said carriers may publish in their tariffs such through export or import rates or fares to or from foreign points as they may make in connection with ocean carriers. Such tariffs must, however, distinctly state the inland rate or fare as above provided, and need not be concurred in by the ocean carrier, because concurrence can be required from, and is effective against, only carriers subject to the Act.

(Adopted June 28, 1909.) It is permissible for a carrier to state its inland rates or fares, which must be open to all alike, regardless of what ocean carrier may be designated by the shipper or passenger, and regardless of the nationality or employment of the person transported, and in the same connection to show the additional steamship charges which go to make up through rates or fares to or from foreign destinations.

If the inland portion of such fares is different from the carrier's domestic fares, and if such inland proportionals are offered only in connection with travel to or from a foreign country, it is entirely proper and necessary that the inland carrier shall require evidence of steamer passage having been paid for before granting to any person its inland proportional fare which its tariff offers in connection with such journey, and to note on separate tickets that may be issued for the inland and the ocean portions of such trip cross references to the other portions of such tickets, and to require satisfactory evidence to be presented to conductor in order to make valid such inland proportional ticket.

(c) Whichever plan of publishing these rates and fares is followed the tariffs must be filed and posted, and may be changed only upon statutory notice or under special permission for shorter time, except that, in consideration of unusual and special circumstances surrounding the movement of traffic exported to or imported from foreign countries not adjacent to the United States and which moves through ports of the United States or Canada on the Pacific Ocean as to said traffic and confined to tariffs which contain only rates applicable thereto, the Commission by its order of October 24, 1908, authorized carriers to make changes in said rates upon notice to the Commission and to the public in manner prescribed by law of three days as to changes which effect reductions in rates or charges and like notice of ten days as to changes which effect increases in rates or charges. This authority is intended to include passenger fares

to or from ports of the United States or Canada on the Pacific Ocean in connection with passage tickets to or from foreign countries not adjacent to the United States, where shown in tariffs that are confined to such fares. Tariffs issued upon short notice under authority of this Rule must bear notation "Issued under authority of Rule 71, Interstate Commerce Commission Tariff Circular 18-A."

(d) Export and import traffic may be forwarded under through billing, but such through billing must clearly separate the liability of the inland carrier or carriers and of the ocean carrier, and must show the tariff rate of the inland carrier or carriers.

**72. TARIFFS TO OR FROM POINTS IN ADJACENT FOREIGN COUNTRIES** (adopted November 22, 1909).—Through rates and fares from points in the United States to points in foreign countries adjacent thereto and through rates and fares from points in adjacent foreign countries to points in the United States are a great convenience, and the Commission therefore desires to permit and encourage the publication and filing of such through rates and fares under lawful and proper conditions. Therefore, and until further order of the Commission:

A joint tariff naming rates or fares from a point in the United States to a point in Mexico or in Canada; from a point in Mexico or in Canada to a point in the United States; from a point in Mexico through the United States to a point in Canada; from a point in Canada through the United States to a point in Mexico; from a point in Mexico through the United States to a point in Mexico; from a point in Canada through the United States to a point in Canada; from a point in the United States through Mexico or through Canada to a point in the United States, must be concurred in, in form prescribed in these regulations and without reservation by all lines that are parties to the through rates or fares and that participate in transportation thereunder; or, a statement of the divisions of the rates or fares accruing to the roads in the United States to or from the border must be incorporated in the tariff or be filed with the Commission together with and at the same time the tariff itself is filed.

(Adopted March 7, 1910.) The purpose of the above rule, requiring the domestic carriers to publish their divisions of rates and fares to and from Canada or Mexico, is to give to this Commission definite information as to their lawful earnings, and is not intended as a means of exercising any jurisdiction over carriers in adjacent foreign countries.

Rates on freight traffic from a point in Canada through the United States to a point in Canada may be changed upon a notice of 30 days as to advances in rates and 3 days as to reductions in rates given to the Commission and the public in manner required by law, provided such freight traffic moves in bond and that no transit or stop-over privilege is allowed thereon within the United States, and that tariff so states; and provided

further, that such rates be published in tariffs which contain only rates on traffic that has neither origin nor destination in the United States.

Fares from a point in Canada through the United States to a point in Canada may be changed upon like notice, provided no stop-over privilege is allowed thereon within the United States and that tariff so states; and provided further, that such fares be published in tariffs which contain only fares that have neither origin nor destination in the United States.

Each tariff publication in which changes in rates are made upon short notice under the terms of this Rule shall bear on its title-page the notation: "Issued under authority of Rule 72, Interstate Commerce Commission Tariff Circular 18-A."

**74. RECONSIGNMENT PRIVILEGES AND RULES (adopted May 5, 1908).—**

(a) Usually the combination of intermediate rates is higher than the through rate. Frequently a shipper desires to forward a shipment to a certain point and have the privilege of changing the destination or consignee while shipment is in transit or after it arrives at destination to which originally consigned, and to forward it under the through rate from point of origin to final destination. Many carriers grant such privilege and generally make a charge therefor.

The privilege is of value to the shipper, and in order to avoid discrimination it is necessary for carrier that grants such privilege to publish in its tariff that fact, together with the conditions under which it may be used and the charge that will be made therefor. Such rules should be stated in terms that are not open to misconstruction.

(b) Some carriers do not count a change of consignee which does not involve a change of destination as a reconsignment, while others do consider it a reconsignment and charge for it as such. The Commission holds the view that, without specific qualification, the term "reconsignment" includes changes in destination, routing, or consignee. If carrier wishes to distinguish between such changes in its privileges or charges it must so specify in its tariff rules. Reconsignment rules and charges must be reasonable, and a charge that would be reasonable for a diversion or change of destination might be unreasonable when applied to a simple change in consignee which did not involve change in destination or more expensive delivery.

**75. DEMURRAGE ON INTERSTATE SHIPMENT (adopted May 12, 1908).—**

The Act requires that carriers shall publish, post, and file "all terminal charges \* \* \* which in any wise change, affect, or determine \* \* \* the value of the service rendered to the passenger, shipper, or consignee," and all such charges become a part of the "rates, fares, and charges" which the carriers are required to demand, collect, and retain. Such terminal charges include demurrage charges.

(a) On March 16, 1908, the Commission decided that demurrage rules and charges applicable to interstate shipments are governed by the Act



to regulate commerce, and therefore are within its jurisdiction and not within the jurisdiction of State authorities. Any other view would open a wide door for the use of such rules and charges to effect the discriminations which the Act prohibits.

Demurrage rules and charges as published and filed must be observed as strictly as transportation rules and charges. (The Commission has approved, but not prescribed, the Uniform Demurrage Code, as adopted by the National Association of Railway Commissioners.)

**76. SUBSTITUTING TONNAGE AT TRANSIT POINT** (adopted June 29, 1909).—On February 10, 1913, the commission issued an order cancelling Rule 76. (See *The Transit Case*, 26 I. C. C., 204.)

**77. PUBLISHING AND FILING TARIFFS UNDER AMENDED FOURTH SECTION OF THE ACT.**—(a) If tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for application from intermediate points, they would conflict with the amended fourth section of the Act whenever the class rate or a combination from an intermediate point exceeds the commodity rate from a more distant point.

Ordinarily, rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination (see Rule 68), but there may be instances where the intermediate application of rates is impracticable or where conflicting rates would result from the establishment of such intermediate application.

Tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which no shipments are likely to move. Therefore, until further order, carriers may file tariffs containing commodity rates applicable from known points of production or to known points of consumption without making such rates applicable from or to all intermediate points. Each such tariff shall bear on its title-page the following notation:

By authority of Rule 77 of Interstate Commerce Commission Tariff Circular No. 18-A, this tariff (these rates) is not (are not) made applicable from (or to) all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect from (or to) more distant points will, under authority granted by the Interstate Commerce Commission, be established from (or to) any intermediate point hereunder upon one day's notice to the Commission and to the public.

In observance of the foregoing tariff provision carriers may on one day's lawful notice to the Commission and to the public extend the application of the rates shown in the tariff by establishing commodity rates from or to intermediate points which do not exceed the rates from or to the

more distant point on same line or route, provided no increase is thereby made in any existing rate or charge.

A tariff or supplement containing commodity rates issued upon short notice under authority of paragraph (a) of this Rule must bear on its title-page or in connection with the item containing the rate the following notation:

Issued under authority of Rule 77 (a) of Interstate Commerce Commission Tariff Circular No. 18-A. The rate from (or to) the more distant point appears in \_\_\_\_\_ tariff I. C. C. No. \_\_\_\_\_, item (or page) \_\_\_\_\_.

(b) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge higher rates or fares for shorter than for longer distances over the same line or route, the title-page of each tariff issued and filed under such authority must bear the following notation:

This tariff contains rates (or fares) that are higher for shorter distances than for longer distances over the same route, such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Fourth Section Order (or Orders); as indicated in individual items herein.

In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's Fourth Section Order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one Fourth Section Order reference to the number and date thereof may be upon the title-page of the publication. When a general Fourth Section Order is referred to, the particular section thereof granting such authority must be shown in addition to the Order number.

(c) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended fourth section of the Act and to charge rates or fares higher than the aggregate of the intermediate rates or fares subject to the Act, the title-page of each tariff issued and filed under such authority must bear the following notation:

This tariff contains rates (or fares) that exceed the sums of the intermediate rates (or fares) subject to the Act. Such departure from the terms of the amended fourth section of the Act to regulate commerce is permitted by authority of Interstate Commerce Commission Fourth Section Order (or Orders), as indicated in individual items herein.

In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's Fourth Section Order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one Fourth Section Order reference to the number and date thereof may be upon the title-page of the publication.



(d) Nothing in this Rule may be construed as waiving any of the provisions of the amended fourth section of the Act to regulate commerce.

**78. PERMISSION FOR CHANGES ON LESS THAN STATUTORY NOTICE IN RATES AND FARES BETWEEN POINTS IN ALASKA** (adopted August 26, 1912).—Rates on freight traffic and passenger fares from a point in the Territory of Alaska to another point in the Territory of Alaska, or between points in said Territory, may be changed upon notice of 10 days as to *reductions* in rates or fares given to the Commission and to the public in manner required by law. As to advances in rates or fares, full statutory notice of changes must be given to the Commission and to the public in manner required by law, unless shorter time is allowed in special cases by special permission of the Commission (see Rule 58).

Each supplement to a tariff, or each tariff publication in which reductions in rates or fares are made on less than statutory notice under authority of this Rule, shall bear on its title-page the notation, "Issued under authority of Rule 78, Interstate Commerce Commission Tariff Circular 18-A."

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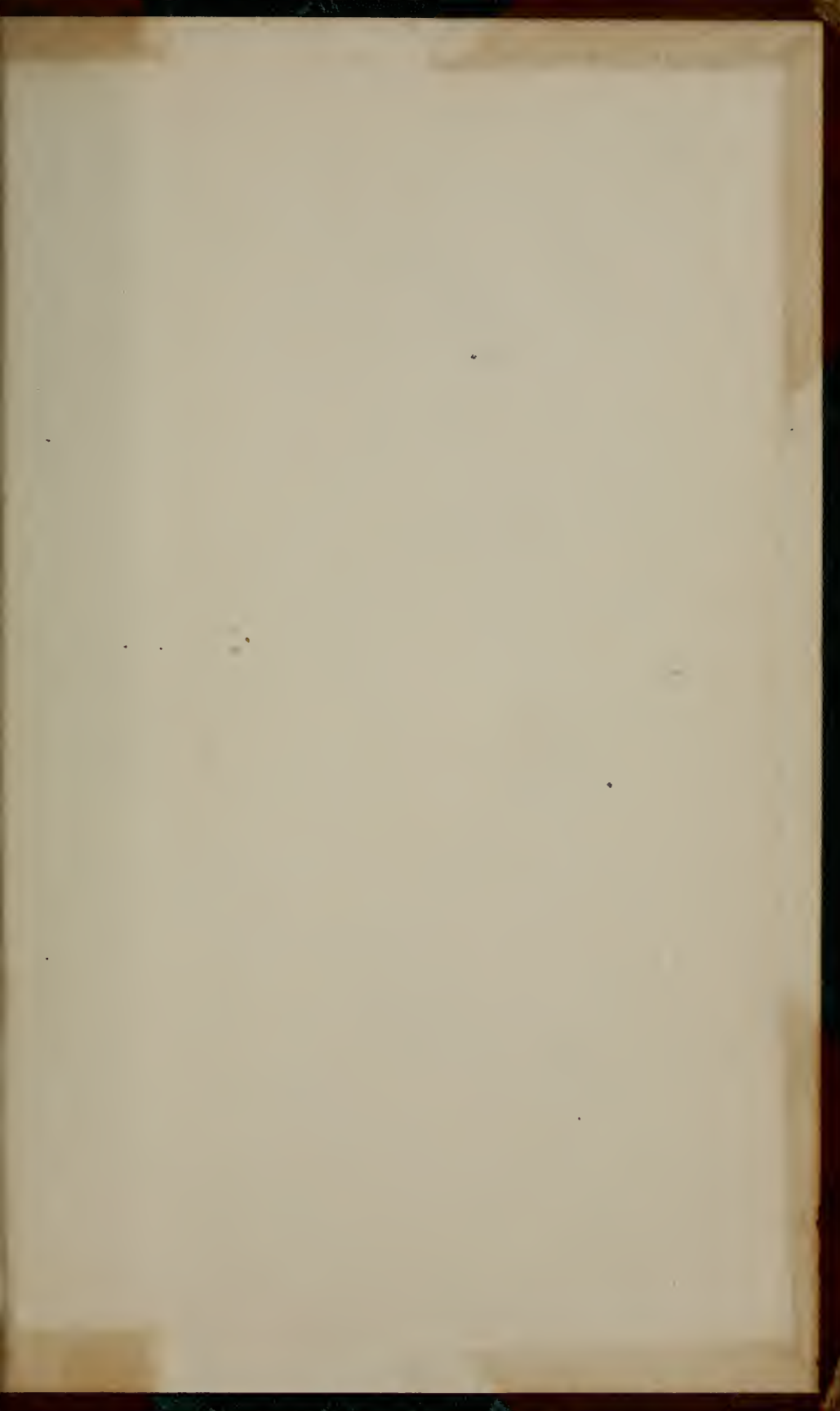












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